

## Controls for Sodium Fluoroacetate (1080) and Formulated Substances Containing 1080

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### Notes

1. The controls attached to sodium fluoroacetate (1080) and formulated substances containing 1080 are those prescribed by regulations made under the Act and which are assigned to these substances on the basis of their hazard classifications (the ‘default controls’), with the changes set out in the following tables. The shaded text in the following tables indicate changes made to the default controls and explain the rationale for the changes. These changes are also discussed in section 11 of this decision.
2. There are two tables in this Appendix:
  - Table A1 – outlines the controls which apply to sodium fluoroacetate (1080), which is the technical grade substance used for the manufacture of formulated substances containing 1080.
  - Table A2 – outlines the controls which apply to formulated substances containing 1080.
3. The Control Code given in the left hand column in the Tables relates to the coding system used in the ERMA New Zealand Controls Matrix. This links the hazard classification categories to the regulatory controls triggered by each category. It is available from the ERMA New Zealand website [www.ermanz.govt.nz/resources](http://www.ermanz.govt.nz/resources) and is also contained in the ERMA New Zealand User Guide to the HSNO Control Regulations.
4. The regulations referred to (as varied or amended) together with the additional controls imposed under this decision, form the controls applicable to the substance(s). The accompanying explanatory text is intended for ease of reference and guidance only and has no legal status. Reference should be made to the actual text of the cited regulations (or relevant variations or amendments) for the legal wording of the controls and for relevant legal definitions and exemptions.

### Interpretation

In the following tables, unless the context otherwise requires—

- (a) words and phrases have the meanings given to them in the Act and regulations made under the Act; and
- (b) the following words and phrases have the following meanings:
  - aerial application** means application from an aircraft;
  - aircraft** has the meaning given to it by section 2 of the Civil Aviation Act 1990;

**application**, in relation to a formulated substance containing 1080, means dropping, spreading, laying as bait, or placing the substance on ground or vegetation, and **apply** has a corresponding meaning;

**contained ground-based application** means application of a formulated substance containing 1080—

- (a) in a bait station, or bait bag, or other container that is fixed to an object; or
- (b) so that it is contained in some other way, such as in a pipe or burrow;

**ground-based application**, means application from the ground, and includes contained ground-based application;

**public drinking water supply** includes drinking water supply reservoirs, treatment plants and storage facilities; and

- (c) references in the regulations or controls referred to in the tables below to the UN Model Regulations, the Land Transport Rule, the International Maritime Dangerous Goods Code, or any rules made under Part 3 of the Maritime Transport Act 1994 or Part 3 of the Civil Aviation Act 1990 shall be deemed to be references to the latest versions or editions thereof.

**Table A1: Controls for sodium fluoroacetate (1080) (CAS No: 62-74-8)**

Control Code	Regulation and Explanation
<b>Hazardous Substances (Classes 6, 8 and 9 Controls) Regulations 2001</b>	
T3 and E5	<b>Regulation 5-6 – Requirements for keeping records of use</b>
T8	<b>Regulation 28 – Controls on vertebrate poisons</b>
E2	<b>Regulations 46-48 – Restrictions on use within application area</b>
E3	<b>Regulation 49 – Controls relating to protection of terrestrial invertebrates</b>
E4	<b>Regulations 50-51 – Controls relating to protection of terrestrial vertebrates</b>
All these controls relate to the use of a hazardous substance that is discharged or laid in the environment. An additional control has been imposed under section 77A (see <b>Additional Control 1</b> ) which prohibits the use of sodium fluoroacetate (1080) for any purpose other than for research or development (not involving use in the outdoor environment) or as an ingredient or component in the manufacture of another substance or product. This additional control effectively means that sodium fluoroacetate (1080) is not permitted to enter the outdoor environment. Accordingly, the Committee deletes the above 'default' controls under section 77(4)(a) on the basis that the adverse effects identified for the substance are less than the adverse effects which would usually be associated with substances with the same hazard classifications.	
T1	<p><b>Regulations 11-27 – Limiting exposure to toxic substances</b></p> <p>This control relates to limiting public exposure to toxic substances through the setting of tolerable exposure limits (TELs). A TEL represents the maximum allowable concentration of a substance in a particular environmental medium. TEL values are established by the Authority and are enforceable controls under the HSNO Act. TELs are derived from potential daily exposure (PDE) values, which in turn are derived from acceptable daily exposure (ADE)/reference dose (RfD) values.</p> <p>An ADE/RfD value must be set for a toxic substance if:</p> <ul style="list-style-type: none"> <li>• it is likely to be present in an environmental medium (air, water, soil or a surface that the substance may be deposited onto) or food or other matter that might be ingested; and</li> <li>• it is a substance to which people are likely to be exposed to during their lifetime; and</li> <li>• exposure is likely to result in an appreciable toxic effect.</li> </ul> <p>If an ADE/RfD value is set for a substance, a PDE value for each exposure route must also be set for the substance. The PDE is a measure of the relative likelihood of a person actually being exposed to the substance through a particular exposure route given daily living patterns.</p>

Control Code	Regulation and Explanation
	<p>The following ADE is set for sodium fluoroacetate (1080):</p> <p>ADE = 0.02 µg sodium fluoroacetate (1080)/kg bw/day.</p> <p>The following PDE values are set for sodium fluoroacetate (1080):</p> <p>PDE<sub>FOOD</sub> = 0.006 µg sodium fluoroacetate (1080)/kg bw/day;</p> <p>PDE<sub>DRINKING WATER</sub> = 0.010 µg sodium fluoroacetate (1080)/kg bw/day;</p> <p>PDE<sub>INHALATION</sub> = 0.002 µg sodium fluoroacetate (1080)/kg bw/day; and</p> <p>PDE<sub>DERMAL</sub> = 0.002 µg sodium fluoroacetate (1080)/kg bw/day.</p> <p>The Committee notes the ongoing public concern about the potential for contamination of water supplies during an aerial application of formulated substances containing 1080. The TEL<sub>water</sub> value set below is based on the Ministry of Health Provisional Maximum Acceptable value (PMAV) in drinking water (<i>Drinking-water Standards for New Zealand 2005</i> – Ministry of Health). The PMAV represents the concentration of sodium fluoroacetate (1080) in water that, on the basis of present knowledge, is not considered to cause any significant risk to the health of the consumer over their lifetime of consumption of that water. The Committee considers that setting a TEL<sub>water</sub> value based on the Ministry of Health's PMAV is appropriate at this time.</p> <p>The PMAV is set by the Ministry of Health as a minimum standard for protection of consumers for lifetime consumption of drinking water. The Committee notes the intention of the Ministry of Health to review the PMAV for sodium fluoroacetate (1080) and recommends that the TEL<sub>water</sub> values set below be reviewed when the Ministry of Health has completed its review of the PMAV.</p> <p>The following TEL value is set for sodium fluoroacetate (1080):</p> <p><b>TEL<sub>water</sub> = 3.5 µg sodium fluoroacetate (1080)/litre water.</b></p>
<b>Hazardous Substances (Classes 6, 8 and 9 Controls) Regulations 2001: Toxic Property Controls</b>	
T2	<p><b>Regulations 29-30 – Controlling exposure in places of work</b></p> <p>A workplace exposure standard (WES) is designed to protect persons in the workplace from the adverse effects of toxic substances. A WES is an airborne concentration of a substance (expressed as mg substance/m<sup>3</sup> of air or ppm in air), which must not be exceeded in a workplace and applies to every place of work where the substance is being used.</p> <p>When setting a WES value, the Authority is required under regulation 30, to either adopt a WES proposed for the substance concerned by Department of Labour as part of its administration of the Health and Safety in Employment Act 1992 or arrive at the value by taking into account matters set out in regulation 30(2). In this case, as Department of Labour has set a WES value for sodium fluoroacetate (1080), the Committee therefore adopts the Department's WES value as follows:</p> <p><b>Sodium fluoroacetate (1080) (skin, bio) [CAS No: 62-74-8] – 0.05 mg/m<sup>3</sup>.</b></p> <p>The 'skin' notation indicates that there is potential for sodium fluoroacetate (1080) to be absorbed through the skin (as an additional route of exposure); and the 'bio' notation indicates that occupational exposure to sodium fluoroacetate (1080) can be estimated by biological monitoring of urine.</p>
T4 and E6	<p><b>Regulation 7 – Requirements for equipment used to handle hazardous substances</b></p> <p>Any equipment used to handle sodium fluoroacetate (1080) must retain and/or dispense the substance in the manner intended, ie without leakage, and must be accompanied by sufficient information so that this can be achieved.</p>
T5	<p><b>Regulation 8 – Requirements for protective clothing and equipment</b></p> <p>Protective clothing or equipment must be employed when sodium fluoroacetate (1080) is being handled. The protective clothing or equipment must be designed, constructed and operated to ensure that the person handling the substance does not come into contact with it and is not directly exposed to a concentration of the substance that is greater than the WES for that substance.</p> <p>The person in charge must ensure that people using the protective clothing or equipment have access to sufficient information specifying how the protective clothing or equipment may be used, and the requirements for maintaining the protective clothing or equipment.</p>
T6 and E7	<p><b>Regulation 9 – Approved handler requirements</b></p> <p>Where sodium fluoroacetate (1080) is held or used in any quantity, the substance must be under the personal control of an approved handler, or locked up. However, the substance may be handled by a person who is not an approved handler if:</p> <ul style="list-style-type: none"> <li>an approved handler is present at the facility where the substance is being handled; and</li> </ul>

Control Code	Regulation and Explanation
	<ul style="list-style-type: none"> <li>• the approved handler has provided guidance to the person in respect of handling; and</li> <li>• the approved handler is available at all times to provide assistance if necessary.</li> </ul> <p><b>Regulation 9A – Exception to approved handler requirement for transportation of packaged class 6 substances</b></p> <p>(1) Regulation 9 is deemed to be complied with if—</p> <p>(a) in the case of sodium fluoroacetate (1080) being transported on land—</p> <p>(i) in the case of sodium fluoroacetate (1080) being transported by rail, the person who drives the rail vehicle that is transporting the substance is fully trained in accordance with an approved safety system under section 6D of the Transport Services Licensing Act 1989 or a safety system which is referred to in an approved safety case under the Railways Act 2005; and</p> <p>(ii) in every other case, the person who drives, loads, and unloads the vehicle that is transporting the substance—</p> <p>(A) for hire or reward, or in quantities which exceed those set out in Schedule 1 of the Land Transport Rule, has a current dangerous goods endorsement on his or her driver licence; or</p> <p>(B) in every other case, the Land Transport Rule is complied with; or</p> <p>(b) in the case of sodium fluoroacetate (1080) being transported by sea, one of the following is complied with:</p> <p>(i) Maritime Rules: Part 24A – Carriage of Cargoes – Dangerous Goods (MR024A); or</p> <p>(ii) International Maritime Dangerous Goods Code; or</p> <p>(c) in the case of sodium fluoroacetate (1080) being transported by air, Part 92 of the Civil Aviation Rules is complied with.</p> <p>(2) Subclause (1)(a)—</p> <p>(a) does not apply to a tank wagon or a transportable container to which the Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004 applies; but</p> <p>(b) despite paragraph (a), does apply to an intermediate bulk container that complies with the UN Model Regulations.</p> <p>(3) Subclause (1)(c)—</p> <p>(a) applies to pilots, aircrew, and airline ground personnel loading and handling sodium fluoroacetate (1080) within an aerodrome; but</p> <p>(b) does not apply to the storage and handling of sodium fluoroacetate (1080) in any place that is not within an aerodrome or within an aerodrome by non-airline ground personnel.</p>
	<p>Regulation 9 applies to sodium fluoroacetate (1080) with the addition of regulation 9A which provides for exceptions to the approved handler requirements in certain situations when transporting sodium fluoroacetate (1080). This control is varied under section 77A in order to reduce compliance costs and to avoid duplicating the requirements of other legislation.</p> <p>Sodium fluoroacetate (1080) is therefore required to be under the control of an approved handler unless the requirements set out in regulation 9A above are met. These requirements are considered to be a cost-effective way of ensuring the safe management of sodium fluoroacetate (1080) during the stated modes of transport.</p>
T7	<p><b>Regulation 10 – Restrictions on the carriage of hazardous substances on passenger service vehicles</b></p> <p>Carriage of sodium fluoroacetate (1080) in any quantity on passenger service vehicles is prohibited.</p>
E1	<p><b>Regulations 32-45 – Limiting exposure to ecotoxic substances</b></p> <p>This control relates to the setting of environmental exposure limits (EELs). An EEL establishes the maximum concentration of an ecotoxic substance legally allowable in a particular environmental medium (for example, soil or sediment or water), including deposition of a substance onto surfaces.</p> <p>Under the regulations, an EEL can be established by one of three means:</p> <ul style="list-style-type: none"> <li>• applying the default EELs specified;</li> <li>• adopting an established EEL;</li> <li>• calculating an EEL from an assessment of available ecotoxicological data.</li> </ul>
	<p>No environmental exposure limits (EELs) are set for sodium fluoroacetate (1080) at this time, either through applying the default EEL, adopting an established value, or calculating an EEL from an assessment of available ecotoxicological data. The Committee notes that EELs may be set at a later date when the policy for the setting of EELs under section 77B has been established.</p>

Control Code	Regulation and Explanation
The default EELs specified under regulation 32 are accordingly deleted.	
<b>Hazardous Substances (Identification) Regulations 2001</b>	
These Regulations prescribe requirements with regard to identification of hazardous substances in terms of:	
<ul style="list-style-type: none"> <li>• information that must be “immediately available” with the substance (priority and secondary identifiers). This information is generally provided by way of the product label;</li> <li>• documentation that must be available in the workplace, generally provided by way of Safety Data Sheets; and</li> <li>• signage at a place where there is a large quantity of the substance.</li> </ul>	
11	<p data-bbox="389 607 751 629"><b>General identification requirements</b></p> <p data-bbox="389 645 1337 741">These controls relate to the duties of suppliers and persons in charge of sodium fluoroacetate (1080) with respect to identification (essentially labelling) (Regulations 6 and 7), accessibility of the required information (Regulations 32 and 33) and presentation of the required information with respect to comprehensibility, clarity and durability (Regulations 34, 35, 36(1)–(7)).</p> <p data-bbox="389 757 884 779"><b>Regulation 6 – Identification duties of suppliers</b></p> <p data-bbox="389 795 1348 913">Suppliers of sodium fluoroacetate (1080) must ensure it is labelled with all relevant priority identifier information (as required by Regulations 8–17) and secondary identifier information (as required by Regulations 18–30) before supplying it to any other person. This includes ensuring that the priority identifier information is available to any person handling the substance within <b>two seconds</b> (Regulation 32), and the secondary identifier information available within <b>10 seconds</b> (Regulation 33).</p> <p data-bbox="389 929 1329 981">Suppliers must also ensure that no information is supplied with the substance (or its packaging) that suggests it belongs to a class or subclass that it does not in fact belong to.</p> <p data-bbox="389 996 970 1019"><b>Regulation 7 – Identification duties of persons in charge</b></p> <p data-bbox="389 1034 1343 1182">Persons in charge of sodium fluoroacetate (1080) must ensure it is labelled with all relevant priority identifier information (as required by Regulations 8 to 17) and secondary identifier information (as required by Regulations 18 to 30) before supplying it to any other person. This includes ensuring that the priority identifier information is available to any person handling the substance within two seconds (Regulation 32), and the secondary identifier information is available within 10 seconds (Regulation 33).</p> <p data-bbox="389 1198 1259 1249">Persons in charge must also ensure that no information is supplied with the substance (or its packaging) that suggests it belongs to a class or subclass that it does not in fact belong to.</p> <p data-bbox="389 1265 927 1288"><b>Regulations 32 and 33 – Accessibility of information</b></p> <p data-bbox="389 1303 1297 1355">All priority identifier Information (as required by Regulations 8 to 17) must be available within two seconds, for example, on the label.</p> <p data-bbox="389 1370 1334 1422">All secondary identifier Information (as required by Regulations 18 to 30) must be available within 10 seconds, for example, on the label.</p> <p data-bbox="389 1438 1278 1460"><b>Regulations 34, 35, 36(1)–(7) – Comprehensibility, clarity and durability of information</b></p> <p data-bbox="389 1476 1342 1527">All required priority and secondary identifiers must be presented in a way that meets the performance standards in these Regulations. In summary:</p> <ul style="list-style-type: none"> <li>• any information provided (either written or oral) must be readily understandable and in English;</li> <li>• any information provided in written or pictorial form must be able to be easily read or perceived by a person with average eyesight under normal lighting conditions;</li> <li>• any information provided in an audible form must be able to be easily heard by a person with average hearing;</li> <li>• any information provided must be in a durable format ie the information requirements with respect to clarity must be able to be met throughout the lifetime of the (packaged) substance under the normal conditions of storage, handling and use.</li> </ul>
13	<p data-bbox="389 1809 986 1832"><b>Regulation 9 – Priority identifiers for ecotoxic substances</b></p> <p data-bbox="389 1848 1326 1899">This requirement specifies that sodium fluoroacetate (1080) must be prominently identified as being ecotoxic.</p> <p data-bbox="389 1915 1334 1939">This information must be available to any person handling the substance within two seconds (Regulation 32) and can be provided by way of signal headings or commonly understood pictograms</p>

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	on the label.
18	<p><b>Regulation 14 – Priority identifiers for certain toxic substances</b></p> <p>This requirement specifies that sodium fluoroacetate (1080) must be prominently identified as being toxic. In addition, information must be provided on the general degree and type of hazard of the substance, and the need to restrict access to the substance by children.</p> <p>This information must be available to any person handling the substance within two seconds (Regulation 32) and can be provided by way of signal headings or commonly understood pictograms on the label.</p>
19	<p><b>Regulation 18 – Secondary identifiers for all hazardous substances</b></p> <p>This control relates to the level of detail required for sodium fluoroacetate (1080) on the product label. This information must be accessible within 10 seconds (Regulation 33) and could be provided on secondary panels on the product label. The following information is required:</p> <ul style="list-style-type: none"> <li>• an indication (which may include its common name, chemical name, or registered trade name) that unequivocally identifies it; and</li> <li>• enough information to enable its New Zealand importer, supplier, or manufacturer to be contacted, either in person or by telephone; and</li> <li>• in the case of a substance which, when in a closed container, is likely to become more hazardous over time or develop additional hazardous properties, or become a hazardous substance of a different class or subclass, a description of each likely change and the date by which it is likely to occur.</li> </ul>
111	<p><b>Regulation 20 – Secondary identifiers for ecotoxic substances</b></p> <p>This control relates to the additional label detail required for sodium fluoroacetate (1080). This information must be accessible within 10 seconds (Regulation 33) and could be provided on secondary panels on the product label. The following information must be provided:</p> <ul style="list-style-type: none"> <li>• an indication of the circumstances in which it may harm living organisms;</li> <li>• an indication of the kind and extent of the harm it is likely to cause to living organisms;</li> <li>• an indication of the steps to be taken to prevent harm to living organisms;</li> <li>• an indication of its general type and degree of hazard (for example, very toxic to aquatic life and very ecotoxic to terrestrial invertebrates).</li> </ul>
116	<p><b>Regulation 25 – Secondary identifiers for toxic substances</b></p> <p>This control relates to the additional label detail required for sodium fluoroacetate (1080). This information must be accessible within 10 seconds (Regulation 33) and could be provided on secondary panels on the product label. The following information must be provided:</p> <ul style="list-style-type: none"> <li>• an indication of its general type and degree of toxic hazard (for example, acutely toxic);</li> <li>• an indication of the circumstances in which it may harm human beings;</li> <li>• an indication of the kinds of harm it may cause to human beings, and the likely extent of each kind of harm;</li> <li>• an indication of the steps to be taken to prevent harm to human beings;</li> <li>• the name and concentration of sodium fluoroacetate (1080).</li> </ul>
117	<p><b>Regulation 26 – Use of generic names</b></p> <p>This control provides the option of using a generic name to identify groups of ingredients where such ingredients are required to be listed on the product label as specified by Regulations 19(f) and 25(e) and (f).</p> <p>The generic name must identify the key chemical entities and functional groups in the ingredients that contribute to their hazardous properties.</p> <p>Regulation 25(e) specifies a requirement to list on the product label, the name and concentration of sodium fluoroacetate (1080) that causes the substances to be classified as acutely toxic.</p>
118	<p><b>Regulation 27 – Use of concentration ranges</b></p> <p>This control provides the option of providing concentration ranges for those ingredients whose concentrations are required to be stated on the product label as specified by Regulations 19(f) and 25(e) and (f).</p> <p>Regulation 25(e) specifies a requirement to list on the product label, the name and concentration of</p>

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	sodium fluoroacetate (1080) that causes the substances to be classified as acutely toxic.
119	<p><b>Regulation 29-31 – Alternative information in certain cases</b></p> <p><b>Regulation 29 – Substances in fixed bulk containers or bulk transport containers</b></p> <p>This Regulation relates to alternative ways of presenting the priority and secondary identifier information required by Regulations 8 to 25 when sodium fluoroacetate (1080) is contained in fixed bulk containers or bulk transport containers.</p> <p>Regulation 29(1) specifies that for fixed bulk containers, it is sufficient compliance if there is available at all times to people near the container, information that identifies the type and general degree of hazard of the substance.</p> <p>Regulation 29(2) specifies that for bulk transport containers, it is sufficient compliance if the substance is labelled or marked in compliance with the requirements of the Land Transport Rule, Civil Aviation Act 1990 or Maritime Transport Act 1994.</p> <p><b>Regulation 30 – Substances in multiple packaging</b></p> <p>This Regulation relates to situations when sodium fluoroacetate (1080) is in multiple packaging and the outer packaging obscures some or all of the required substance information. In such cases, the outer packaging must:</p> <ul style="list-style-type: none"> <li>• be clearly labelled with all relevant priority identifier information ie the hazardous properties of the substance must be identified; or</li> <li>• be labelled or marked in compliance with either the Land Transport Rule, Civil Aviation Act 1990 or the Maritime Safety Act 1994 as relevant; or</li> <li>• in the case of an ecotoxic substance, it must bear the EU pictogram “Dangerous to the Environment” (‘dead fish and tree’ on orange background); or</li> <li>• bear the relevant class or subclass label assigned by the UN Model Regulations.</li> </ul> <p><b>Regulation 31 – Alternative information when substances are imported</b></p> <p>This Regulation relates to alternative information requirements for sodium fluoroacetate (1080) that is imported into New Zealand in a closed package or in a freight container and will be transported to its destination without being removed from that package or container. In these situations, it is sufficient compliance with the requirements of the HSNO Act if the package or container is labelled or marked in compliance with the requirements of the Land Transport Rule.</p>
120	<p><b>Regulation 36(8) – Durability of information for class 6.1 substances</b></p> <p>Any packaging in direct contact with sodium fluoroacetate (1080) must be permanently identified as having contained a toxic substance, unless the substance as packaged is restricted to a place of work.</p>
121	<p><b>Regulations 37-39, 47-50 – Documentation required in places of work</b></p> <p>These controls relate to the duties of suppliers and persons in charge of places of work with respect to provision of documentation (essentially Safety Data Sheets) (Regulations 37, 38 and 50); the general content requirements of the documentation (Regulation 39 and 47); the accessibility and presentation of the required documentation with respect to comprehensibility and clarity (Regulation 48).</p> <p>These controls are triggered when any quantity of sodium fluoroacetate (1080) is held in a place of work.</p> <p><b>Regulation 37 – Documentation duties of suppliers</b></p> <p>A supplier must provide documentation containing all relevant information required by Regulations 39 to 48 when selling or supplying to another person any quantity of sodium fluoroacetate (1080), if the substance is to be used in a place of work and the supplier has not previously provided the documentation to that person.</p> <p><b>Regulation 38 – Documentation duties of persons in charge of places of work</b></p> <p>The person in charge of any place of work where sodium fluoroacetate (1080) is present in quantities equal to or greater than those specified in Regulation 38 (and with reference to Schedule 2 of the Identification Regulations), must ensure that every person handling the substance has access to the documentation required for each hazardous substance concerned. The person in charge must also ensure that the documentation does not contain any information that suggests that the substance belongs to a class or subclass it does not in fact belong to.</p> <p><b>Regulation 39 – General content requirements for documentation</b></p> <p>The documentation provided with sodium fluoroacetate (1080) must include the following information:</p> <ul style="list-style-type: none"> <li>• the unequivocal identity of the substance (for example, the CAS number, chemical name, common name, UN number, registered trade name(s));</li> </ul>

Control Code	Regulation and Explanation
	<ul style="list-style-type: none"> <li>• a description of the physical state, colour and odour of the substance;</li> <li>• if the substance's physical state may alter over the expected range of workplace temperatures, the documentation must include a description of the temperatures at which the changes in physical state may occur and the nature of those changes;</li> <li>• in the case of a substance that, when in a closed container, is likely to become more hazardous over time or develop additional hazardous properties, or become a hazardous substance of a different class, the documentation must include a description of each likely change and the date by which it is likely to occur;</li> <li>• contact details for the New Zealand supplier/manufacturer/importer;</li> <li>• all emergency management and disposal information required for the substance;</li> <li>• the date on which the documentation was prepared.</li> </ul>
	<p><b>Regulation 47 – Information not included in approval</b></p> <p>This Regulation relates to the provision of specific documentation information (for example, as provided on an Safety Data Sheet). If information required by Regulations 39 to 46 was not included in the information used for the approval of the substance by the Authority, it is sufficient compliance with those Regulations if reference is made to that information requirement along with a comment indicating that such information is not applicable to that substance.</p>
	<p><b>Regulation 48 – Location and presentation requirements for documentation</b></p> <p>All required documentation must be available to a person handling sodium fluoroacetate (1080) in a place of work within 10 minutes. The documentation must be readily understandable by any fully-trained worker required to have access to it and must be easily read, under normal lighting conditions, at a distance of not less than 0.3m.</p>
	<p><b>Regulation 49 – Documentation requirements for vehicles</b></p> <p>This Regulation provides for the option of complying with documentation requirements as specified in the various Land, Sea and Air transport rules when sodium fluoroacetate (1080) is being transported.</p>
	<p><b>Regulation 50 – Documentation to be supplied on request</b></p> <p>Notwithstanding Regulation 37 above, a supplier must provide the required documentation to any person in charge of a place of work (where sodium fluoroacetate (1080) is present) if asked to do so by that person.</p>
123	<p><b>Regulation 41 – Specific documentation requirements for ecotoxic substances</b></p> <p>The documentation provided with sodium fluoroacetate (1080) must include the following information:</p> <ul style="list-style-type: none"> <li>• its general degree and type of ecotoxic hazard (for example, highly ecotoxic to terrestrial invertebrates);</li> <li>• a full description of the circumstances in which it may harm living organisms and the extent of that harm;</li> <li>• a full description of the steps to be taken to prevent harm to living organisms;</li> <li>• a summary of the available acute and chronic (ecotox) data used to define the (ecotox) subclass or subclasses in which it is classified;</li> <li>• its bio-concentration factor or octanol-water partition coefficient;</li> <li>• its expected soil or water degradation rate;</li> <li>• any EELs set by the Authority.</li> </ul>
128	<p><b>Regulation 46 – Specific documentation requirements for toxic substances</b></p> <p>The documentation provided with sodium fluoroacetate (1080) must include the following information:</p> <ul style="list-style-type: none"> <li>• its general degree and type of toxic hazard;</li> <li>• a full description of the circumstances in which it may harm human beings;</li> <li>• the kinds of harm it may cause to human beings;</li> <li>• a full description of the steps to be taken to prevent harm to human beings;</li> <li>• if it will be a liquid during its use, the percentage of volatile substance in the liquid formulation, and the temperature at which the percentages were measured;</li> <li>• a summary of the available acute and chronic (toxicity) data used to define the (toxic) subclass or subclasses in which it is classified;</li> <li>• the symptoms or signs of injury or ill health associated with each likely route of exposure;</li> <li>• the dose, concentration, or conditions of exposure likely to cause injury or ill health;</li> </ul>



Control Code	Regulation and Explanation
	<ul style="list-style-type: none"> <li>any TELs or WESs set by the Authority.</li> </ul>
I29	<p><b>Regulations 51-52 – Duties of persons in charge of places with respect to signage</b></p> <p>These controls specify the requirements for signage, in terms of content, presentation and positioning at places where sodium fluoroacetate (1080) is held in quantities exceeding 50 kg.</p> <p>Signs are required:</p> <ul style="list-style-type: none"> <li>at every entrance to the building and/or location (vehicular and pedestrian) where sodium fluoroacetate (1080) is present;</li> <li>at each entrance to rooms or compartments where sodium fluoroacetate (1080) is present;</li> <li>immediately adjacent to the area where sodium fluoroacetate (1080) is located in an outdoor area.</li> </ul> <p>The information provided in the signage needs to be understandable over a distance of 10 metres and be sufficient to:</p> <ul style="list-style-type: none"> <li>advise that the location contains sodium fluoroacetate (1080);</li> <li>describe the general type of hazard of the substance;</li> <li>where the signage is immediately adjacent to the hazardous substance storage areas, describe the precautions needed to safely manage the substance.</li> </ul>
I30	<p><b>Regulation 53 – Advertising corrosive and toxic substances</b></p> <p>Any advertisement for sodium fluoroacetate (1080) must include information that identifies the substance is toxic and indicates the need to restrict access by children. In addition, it must specify the general degree and type of hazard.</p>
<b>Hazardous Substances (Packaging) Regulations 2001</b>	
P1	<p><b>Regulations 5-6, 7(1), and 8</b></p> <p><b>General packaging requirements</b></p> <p>These controls relate to the ability of the packaging to retain its contents, allowable packaging markings with respect to design approvals, factors affecting choice of suitable packaging, and compatibility of the substance with any previous contents of the packaging.</p> <p><b>Regulation 5 – Ability to retain contents</b></p> <p>Packaging for sodium fluoroacetate (1080) must ensure that, when the package is closed, there is no visible release of the substance, and that it maintains its ability to retain its contents in temperatures from –10°C to +50°C. The packaging must also maintain its ability to retain its remaining contents if part of the contents is removed from the package and the packaging is then re-closed. The packaging in direct contact with the substance must not be significantly affected or weakened by contact with the substance such that the foregoing requirements cannot be met.</p> <p><b>Regulation 6 – Packaging markings</b></p> <p>Packages containing sodium fluoroacetate (1080) must not be marked in accordance with the UN Model Regulations unless:</p> <ul style="list-style-type: none"> <li>the markings comply with the relevant provisions of that document; and</li> <li>the packaging complies with the tests set out in Schedule 1, 2 or 3 (Packaging Regulations) respectively; and</li> <li>the design of the packaging has been test certified as complying with those tests.</li> </ul> <p><b>Regulation 7(1) – Requirements when packing hazardous substance</b></p> <p>When packing sodium fluoroacetate (1080), account must be taken of its physical state and properties, and packaging must be selected that complies with the requirements of Regulations 5 and 9 to 21.</p> <p><b>Regulation 8 – Compatibility</b></p> <p>Sodium fluoroacetate (1080) must not be packed in packaging that has been previously packed with substances with which it is incompatible unless all traces of the previous substance have been removed.</p>

Control Code	Regulation and Explanation
	<p><b>Regulations 9A and 9B – Large packaging</b></p> <p>Large packaging may be used to contain sodium fluoroacetate (1080) in New Zealand if it has been constructed, marked and tested as a large package as provided in the UN Model Regulations.</p> <p>“Large Packaging” does not include:</p> <ul style="list-style-type: none"> <li>• a tank, tank wagon or transportable container (as defined in the Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004; or</li> <li>• a stationary container system, a stationary tank or a tank (as defined in the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004.</li> </ul>
P3, P13 and P15	<p><b>Regulation 19 and 21 – Packaging requirements for toxic substances</b></p> <p>Sodium fluoroacetate (1080) must be packaged according to Schedule 1 of the Packaging Regulations.</p> <p>Substances that are offered for sale in a package of less than 2.5 kg (ie toxic substances liable to be in homes) must be in child resistant packaging. However, if the substance is for use in a place of work to which children do not have access, as is most likely to be the case with sodium fluoroacetate (1080), this requirement is not mandatory.</p>
PG1	<p><b>Schedule 1 – Tests of packaging of hazardous substances required</b></p> <p>This schedule describes the (minimum) packaging requirements that must be complied with for sodium fluoroacetate (1080) when packaged in <b>any quantity</b>.</p> <p>The tests in Schedule 1 correlate to the packaging requirements of UN Packing Group I (UN PGI).</p>
<b>Hazardous Substances (Disposal) Regulations 2001</b>	
D4 and D5	<p><b>Regulations 8 and 9 – Disposal requirements for toxic and ecotoxic substances</b></p> <p>Sodium fluoroacetate (1080) must be disposed of by:</p> <ul style="list-style-type: none"> <li>• treating the substance so that it is no longer a hazardous substance, including depositing the substance in a landfill, incinerator or sewage facility. However, this does not include dilution of the substance with any other substance prior to discharge to the environment; or</li> <li>• discharging the substance to the environment provided that after reasonable mixing, the concentration of the substance in any part of the environment outside the mixing zone does not exceed any TEL (tolerable exposure limit) or EEL (environmental exposure limit) set by the Authority for that substance; or</li> <li>• exporting the substance from New Zealand as a hazardous waste.</li> </ul>
D6	<p><b>Regulation 10 – Disposal requirements for packages</b></p> <p>This control gives the disposal requirements for packages that contained sodium fluoroacetate (1080) and are no longer to be used for that purpose. Such packages must be either decontaminated/treated or rendered incapable of containing any substance (hazardous or otherwise) and then disposed of in a manner that is consistent with the disposal requirements for the substance. In addition, the manner of disposal must take into account the material that the package is manufactured from.</p>
D7	<p><b>Regulations 11-12 – Disposal information requirements</b></p> <p>These controls relate to the provision of information concerning disposal (essentially on the label) that must be provided when selling or supplying any quantity of sodium fluoroacetate (1080).</p> <p>Information must be provided on appropriate methods of disposal and information may be supplied warning of methods of disposal that should be avoided ie that would not comply with the Disposal Regulations. Such information must be accessible to a person handling the substance within 10 seconds and must comply with the requirements for comprehensibility, clarity and durability as described in Regulations 34 to 36 of the Identification Regulations (Control Code I1).</p>
D8	<p><b>Regulations 13-14 – Disposal documentation requirements</b></p> <p>These controls relate to the provision of documentation concerning disposal (essentially in a Safety Data Sheet) that must be provided when selling or supplying any quantity of sodium fluoroacetate (1080).</p> <p>The documentation must describe one or more methods of disposal (that comply with the Disposal Regulations) and describe any precautions that must be taken. Such documentation must be accessible to a person handling the substance at a place of work within 10 minutes and must comply with the requirements for comprehensibility and clarity as described in Regulations 48(2), (3) and (4) of the Identification Regulations (Control Code I21).</p>

<b>Control Code</b>	<b>Regulation and Explanation</b>
<b>Hazardous Substances (Emergency Management) Regulations 2001</b>	
EM1	<p><b>Regulations 6-7, 9-11 – Level 1 emergency management information: General requirements</b></p> <p>These controls relate to the provision of emergency management information (essentially on the label) that must be provided with any quantity of sodium fluoroacetate (1080).</p> <p>Regulation 6 describes the duties of suppliers, Regulation 7 describes the duties of persons in charge of places, Regulation 9 describes the requirement for the availability of the information (10 seconds) and Regulation 10 gives the requirements relating to the presentation of the information with respect to comprehensibility, clarity and durability. These requirements correspond with those relating to secondary identifiers required by the Identification Regulations (Control Code I1, Regulations 6, 7, 32–35, 36(1)–(7)).</p> <p>Regulation 11 provides for the option of complying with the information requirements specified in the various land, sea and air transport rules when the substance is being transported.</p>
EM6	<p><b>Regulation 8(e) – Information requirements for toxic substances</b></p> <p>The following information must be provided when sodium fluoroacetate (1080) is present in any quantity:</p> <ul style="list-style-type: none"> <li>• a description of the first aid to be given;</li> <li>• a 24-hour emergency service telephone number.</li> </ul>
EM7	<p><b>Regulation 8(f) – Information requirements for ecotoxic substances</b></p> <p>The following information must be provided with sodium fluoroacetate (1080) when present in the quantities equal to or greater than 0.1 kg:</p> <ul style="list-style-type: none"> <li>• a description of the parts of the environment likely to be immediately affected by it;</li> <li>• a description of its typical effects on those parts of the environment;</li> <li>• a statement of any immediate actions that may be taken to prevent the substance from entering or affecting those parts of the environment.</li> </ul>
EM8	<p><b>Regulations 12-16, 18-20 – Level 2 emergency management documentation requirements</b></p> <p>These controls relate to the duties of suppliers and persons in charge of places of work with respect to the provision of emergency management documentation (essentially Safety Data Sheets).</p> <p>This documentation must be provided where sodium fluoroacetate (1080) is sold or supplied, or held in a workplace, in any quantity.</p> <p>Regulations 12 and 13 describe the duties of suppliers, regulation 14 describes the duties of persons in charge of places of work, regulation 15 provides for the option of complying with documentation requirements of the transport rules when the substance is being transported, and regulation 16 specifies requirements for general contents of the documentation.</p> <p>Regulation 18 prescribes location and presentation requirements for the documentation, ie it must be available within 10 minutes, be readily understandable, comprehensible and clear. These requirements correspond with those relating to documentation required by the Identification Regulations (Control Code I21).</p>
EM11	<p><b>Regulations 25-34 – Level 3 emergency management requirements – emergency response plans</b></p> <p>These Regulations relate to the requirement for an emergency response plan to be available at any place (excluding aircraft or ships) where sodium fluoroacetate (1080) is held (or is reasonably likely to be held on occasion) in quantities greater than 100 kg.</p> <p>The emergency response plan must describe all of the likely emergencies that may arise from the breach or failure of controls. The type of information that is required to be included in the plan is specified in Regulations 29 to 30. Requirements relating to the availability of equipment, materials and people are provided in Regulation 31, requirements regarding the availability of the plan are provided in Regulation 32 and requirements for testing the plan are described in Regulation 33.</p>
EM12	<p><b>Regulations 35-41 – Level 3 emergency management requirements – secondary containment – deleted</b></p> <p>These regulations are deleted under section 77(4)(a). The regulations require secondary containment systems for pooling substances and do not apply to sodium fluoroacetate (1080) given that it is a solid. Having regard to the requirements of section 77(4)(a), the Committee considers that because it is a solid, the adverse effects of sodium fluoroacetate (1080) will thus be less than the adverse effects of other (liquid) substances with the same hazard classifications and therefore the control is deleted.</p>

<b>Control Code</b>	<b>Regulation and Explanation</b>
EM13	<p><b>Regulation 42 – Level 3 emergency management requirements – signage</b></p> <p>This control relates to the provision of emergency management information on signage at places where sodium fluoroacetate (1080) is held in quantities equal to or greater than 50 kg.</p> <p>The signage must advise of the action to be taken in an emergency and must meet the requirements for comprehensibility and clarity as defined in Regulations 34 and 35 of the Identification Regulations.</p>
<b>Hazardous Substances (Personnel Qualification) Regulations 2001</b>	
AH1	<p><b>Regulations 4-6 – Approved Handler requirements</b></p> <p>Sodium fluoroacetate (1080) is required to be under the control of an approved handler during specified parts of the lifecycle. An approved handler is a person who holds a current test certificate certifying that they have met the competency requirements specified by the Personnel Qualification Regulations in relation to handling specific hazardous substances.</p> <p>Regulation 4 describes the test certification requirements, Regulation 5 describes the qualification (competency and skill) requirements and regulation 6 describes situations where transitional qualifications for approved handlers apply.</p> <p>Also see Control Codes T6 and E7.</p>
<b>Hazardous Substances (Tracking) Regulations 2001</b>	
TR1	<p><b>Regulations 4(1), 5-6 – General tracking requirements</b></p> <p>Under regulation 4(1), sodium fluoroacetate (1080) is subject to tracking requirements, ie the location and movement of the substance must be recorded at each stage of its lifecycle until its final disposal. (The hazard classifications of the substances requiring tracking are listed in Schedule 1 of the Tracking Regulations).</p> <p>The person in charge of the place where the tracked substance is kept is responsible for ensuring that the necessary information is included in the record. This information to be provided is specified in Schedule 2 of the Tracking Regulations, and includes information on the identification of the approved handler, and on the identification, quantity, location and disposal of the substance. The record must meet the location and presentation requirements specified in Part 2 of the Identification Regulations, ie it must be accessible within 10 minutes and meet the performance standards for comprehensibility and clarity (Regulation 5(1) and (2)).</p> <p>If a tracked substance is transferred to another place, the person in charge must ensure that the record is retained for a period of 12 months. If the substance has undergone treatment that results in it no longer being a tracked substance, or if it has been intentionally or unintentionally disposed of, the record must be kept for 3 years. However these requirements do not apply to places that are vehicles (Regulations 5(3) and (4)).</p> <p>Regulation 6 prescribes requirements relating to the transfer of tracked substances from one place to another. Specifically, the person in charge may only transfer the tracked substance to another place if they have received confirmation that:</p> <ul style="list-style-type: none"> <li>• an approved handler is present at the place receiving the substance;</li> <li>• the place receiving the substance meets any location test certification requirements;</li> <li>• any place where the substance is to be held during transit complies with the relevant requirements of the Hazardous Substances (Emergency Management) Regulations and Hazardous Substances (Classes 1 to 5 Controls) Regulations.</li> </ul>
<b>Additional Controls on sodium fluoroacetate (1080) imposed under section 77A</b>	
<b>Additional Control 1</b>	<p><b>Prohibition on the use of sodium fluoroacetate (1080)</b></p> <p>(1) No person may use sodium fluoroacetate (1080) for any purpose other than –</p> <ol style="list-style-type: none"> <li>(a) for research and development; or</li> <li>(b) as an ingredient or component in the manufacture of another substance or product.</li> </ol> <p>(2) For the purposes of this control, “research and development”, means the systematic investigation or experimentation activities that involve sodium fluoroacetate (1080) but does not include investigation or experimentation in which the substance is discharged, laid, or applied in or to the outdoor environment.</p>

Control Code	Regulation and Explanation
	<p>This additional control is added under section 77A to prohibit the use of sodium fluoroacetate (1080) as a vertebrate poison. While it is highly unlikely that sodium fluoroacetate (1080) would be used as a vertebrate poison, it is still necessary to ensure that this use is specifically prohibited, as the risks of its use as a vertebrate poison have not been assessed. The Committee is satisfied that this additional control is more effective in terms of its effect on the management, use and risks of sodium fluoroacetate (1080) than the following 'default' controls for which this control is substituted (see above). The following controls are therefore deleted:</p> <ul style="list-style-type: none"> <li>• T3 and E5 – requirements for keeping records of use</li> <li>• T8 – controls on vertebrate poisons</li> <li>• E2 – restrictions on use within application area</li> <li>• E3 – controls relating to protection of terrestrial invertebrates</li> <li>• E4 – controls relating to protection of terrestrial vertebrates.</li> </ul>

**Table A2: Controls for formulated substances containing 1080**

**Note:** Except as specifically provided for in the following Table, references to “formulated substances containing 1080” should be read as references to all such substances as listed in section 14.1.2 of this decision.

Control Code	Regulation and Explanation
<b>Hazardous Substances (Classes 6, 8 and 9 Controls) Regulations 2001</b>	
T1	<p><b>Regulations 11-27 – Limiting exposure to toxic substances</b></p> <p>This control relates to limiting public exposure to toxic substances through the setting of tolerable exposure limits (TELs). A TEL represents the maximum allowable concentration of a substance legally allowable in a particular environmental medium. TEL values are established by the Authority and are enforceable controls under the HSNO Act. TELs are derived from potential daily exposure (PDE) values, which in turn are derived from acceptable daily exposure (ADE)/reference dose (RfD) values.</p> <p>An ADE/RfD value must be set for a toxic substance if:</p> <ul style="list-style-type: none"> <li>it is likely to be present in an environmental medium (air, water, soil or a surface that the substance may be deposited onto) or food or other matter that might be ingested; and</li> <li>it is a substance to which people are likely to be exposed to during their lifetime; and</li> <li>exposure is likely to result in an appreciable toxic effect.</li> </ul> <p>If an ADE/RfD value is set for a substance, a PDE for each exposure route must also be set for the substance. The PDE is a measure of the relative likelihood of a person actually being exposed to the substance through a particular exposure route given daily living patterns.</p> <p>The following ADE is set for formulated substances containing 1080:</p> <p>ADE = 0.02 µg sodium fluoroacetate (1080)/kg bw/day.</p> <p>The following PDE values are set for formulated substances containing 1080:</p> <p>PDE<sub>FOOD</sub> = 0.006 µg sodium fluoroacetate (1080)/kg bw/day;</p> <p>PDE<sub>DRINKING WATER</sub> = 0.010 µg sodium fluoroacetate (1080)/kg bw/day;</p> <p>PDE<sub>INHALATION</sub> = 0.002 µg sodium fluoroacetate (1080)/kg bw/day; and</p> <p>PDE<sub>DERMAL</sub> = 0.002 µg sodium fluoroacetate (1080)/kg bw/day.</p> <p>The Committee notes the ongoing public concern about the potential for contamination of water supplies during aerial application of formulated substances containing 1080. The TEL<sub>water</sub> value set below is based on the Ministry of Health Provisional Maximum Acceptable value (PMAV) in drinking water (<i>Drinking-water Standards for New Zealand 2005</i>: Ministry of Health). The PMAV represents the concentration of sodium fluoroacetate (1080) in water that, on the basis of present knowledge, is not considered to cause any significant risk to the health of the consumer over their lifetime of consumption of that water. The Committee considers that setting a TEL<sub>water</sub> value based on the Ministry of Health's PMAV is appropriate at this time.</p> <p>The PMAV is set by the Ministry of Health as a minimum standard for protection of consumers for lifetime consumption of drinking water. The Committee notes the intention of the Ministry of Health to review the PMAV for sodium fluoroacetate (1080) and recommends that the TEL<sub>water</sub> values set below be reviewed when the Ministry of Health has completed its review of the PMAV.</p> <p>The following TEL value is set for sodium fluoroacetate (1080):</p> <p><b>TEL<sub>water</sub> = 3.5 µg sodium fluoroacetate (1080)/litre water.</b></p>
T2	<p><b>Regulations 29-30 – Controlling exposure in places of work</b></p> <p>A workplace exposure standard (WES) is designed to protect persons in the workplace from the adverse effects of toxic substances. A WES is an airborne concentration of a substance (expressed as mg substance/m<sup>3</sup> of air or ppm in air), which must not be exceeded in a workplace and applies to every place of work where the substance is being used.</p> <p>When setting a WES value, the Authority is required under regulation 30, to either adopt a WES proposed for the substance concerned by Department of Labour as part of its administration of the Health and Safety in Employment Act 1992 or arrive at the value by taking into account matters set out in regulation 30(2). In this case, as Department of Labour has set a WES value for sodium fluoroacetate (1080), the Committee therefore adopts the Department's WES value as follows:</p> <p><b>Sodium fluoroacetate (1080) (skin, bio) [CAS No: 62-74-8] – 0.05 mg/m<sup>3</sup>.</b></p>

Control Code	Regulation and Explanation
<p>The 'skin' notation indicates that there is potential for 1080 to be absorbed through the skin (as an additional route of exposure); and the 'bio' notation indicates that occupational exposure to 1080 can be estimated by biological monitoring of urine.</p>	
T3 and E5	<p><b>Regulations 5-6 – Requirements for keeping records of use</b></p> <p>A person using any formulated substance containing 1080 for the purposes of causing biocidal action must keep written records of each use if the application is in an area where members of the public may be present, or where the substance is likely to enter air or water and leave the place.</p> <p>The information to be provided in the record is described in Regulation 6(1):</p> <ul style="list-style-type: none"> <li>• the name of the substance;</li> <li>• the date and time of each application or discharge of the substance;</li> <li>• the amount of the substance applied or discharged;</li> <li>• the location where the substance was applied or discharged;</li> <li>• if the substance is applied to or discharged in the air, a description of the wind speed and direction when the substance was applied or discharged; and</li> <li>• the name of the substance and the user's address.</li> </ul> <p>The record must be kept for a minimum of three years following the use and must be made available to an enforcement officer on request.</p>
T4 and E6	<p><b>Regulation 7 – Requirements for equipment used to handle hazardous substances</b></p> <p>Any equipment used to handle any formulated substance containing 1080 must retain and/or dispense the substance in the manner intended, ie without leakage, and must be accompanied by sufficient information so that this can be achieved.</p>
T5	<p><b>Regulation 8 – Requirements for protective clothing and equipment</b></p> <p>Protective clothing or equipment must be employed when any formulated substance containing 1080 is being handled. The protective clothing or equipment must be designed, constructed and operated to ensure that the person handling the substance does not come into contact with it and is not directly exposed to a concentration of the substance that is greater than the WES for that substance.</p> <p>The person in charge must ensure that people using the protective clothing or equipment have access to sufficient information specifying how the protective clothing or equipment may be used, and the requirements for maintaining the protective clothing or equipment.</p>
T6 and E7	<p><b>Regulation 9 – Approved handler requirements</b></p> <p>Where any formulated substance containing 1080 is held or used in any quantity, the substance must be under the personal control of an approved handler, or locked up. However, the substance may be handled by a person who is not an approved handler if:</p> <ul style="list-style-type: none"> <li>• an approved handler is present at the place where the substance is being handled; and</li> <li>• the approved handler has provided guidance to the person in respect of handling; and</li> <li>• the approved handler is available at all times to provide assistance if necessary.</li> </ul> <p><b>Regulation 9A – Exception to approved handler requirement for transportation of packaged class 6 substances</b></p> <p>(1) Regulation 9 is deemed to be complied with if—</p> <p>(a) in the case of sodium fluoroacetate (1080) being transported on land—</p> <p>(i) in the case of sodium fluoroacetate (1080) being transported by rail, the person who drives the rail vehicle that is transporting the substance is fully trained in accordance with an approved safety system under section 6D of the Transport Services Licensing Act 1989 or a safety system which is referred to in an approved safety case under the Railways Act 2005; and</p> <p>(ii) in every other case, the person who drives, loads, and unloads the vehicle that is transporting the substance—</p> <p>(A) for hire or reward, or in quantities which exceed those set out in Schedule 1 of the Land Transport Rule, has a current dangerous goods endorsement on his or her driver licence; or</p> <p>(B) in every other case, the Land Transport Rule is complied with; or</p> <p>(b) in the case of sodium fluoroacetate (1080) being transported by sea, one of the following is</p>

Control Code	Regulation and Explanation
	<p>complied with:</p> <ul style="list-style-type: none"> <li>(i) Maritime Rules: Part 24A – Carriage of Cargoes – Dangerous Goods (MR024A); or</li> <li>(ii) International Maritime Dangerous Goods Code; or</li> </ul> <p>(c) in the case of sodium fluoroacetate (1080) being transported by air, Part 92 of the Civil Aviation Rules is complied with.</p> <p>(2) Subclause (1)(a)—</p> <ul style="list-style-type: none"> <li>(a) does not apply to a tank wagon or a transportable container to which the Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004 applies; but</li> <li>(b) despite paragraph (a), does apply to an intermediate bulk container that complies with the UN Model Regulations.</li> </ul> <p>(3) Subclause (1)(c)—</p> <ul style="list-style-type: none"> <li>(a) applies to pilots, aircrew, and airline ground personnel loading and handling sodium fluoroacetate (1080) within an aerodrome; but</li> <li>(b) does not apply to the storage and handling of sodium fluoroacetate (1080) in any place that is not within an aerodrome or within an aerodrome by non-airline ground personnel.</li> </ul>
	<p><b>Regulation 9B – Exception to approved handler requirement for aerial application of certain substances</b></p> <p>Regulation 9 is deemed to be complied with if, in the case of aerial application of sodium fluoroacetate (1080), the person who carried out the application has a current pilot chemical rating in accordance with Part 61 of the Civil Aviation Rules. This control only applies to the pilot of an aircraft while they are aurally applying the following substances:</p> <ul style="list-style-type: none"> <li>• Cereal-based pellets containing 0.4 – 0.8 g sodium fluoroacetate/kg</li> <li>• Cereal-based pellets containing 1.5 – 2.0 g sodium fluoroacetate/kg</li> <li>• Soluble concentrate containing 200 g sodium fluoroacetate/litre</li> </ul>
	<p>Regulation 9 applies to formulated substances containing 1080 with the addition of regulations 9A and 9B. Regulation 9A provides for exceptions to the approved handler requirements in certain situations when transporting formulated substances containing 1080. Regulation 9B provides for exceptions to the approved handler requirements when certain formulated substances containing 1080 are aurally applied. These additional controls are added under section 77A in order to reduce compliance costs and to avoid duplicating the requirements of other legislation.</p> <p>Formulated substances containing 1080 are therefore required to be under the control of an approved handler unless the requirements set out in regulation 9A and 9B are met. These additional requirements are considered to be a cost effective way of ensuring the safe management of formulated substances containing 1080 during the stated modes of transport.</p>
T7	<p><b>Regulation 10 – Restrictions on the carriage of hazardous substances on passenger service vehicles</b></p> <p>In order to limit the potential for public exposure to hazardous substances, the following requirements are prescribed for the carriage of formulated substances containing 1080 on passenger service vehicles:</p> <p>Carriage of <b>any quantity</b> of the following formulated substances containing 1080 is prohibited:</p> <ul style="list-style-type: none"> <li>• Soluble concentrate containing 200 g sodium fluoroacetate/litre;</li> <li>• Polymer gel containing 50 g sodium fluoroacetate/kg;</li> <li>• Polymer gel containing 100 g sodium fluoroacetate/kg.</li> </ul> <p>The maximum quantity per package of the following formulated substances containing 1080 permitted to be carried on passenger service vehicles is <b>0.5 kg</b>:</p> <ul style="list-style-type: none"> <li>• Cereal-based pellets containing 1.5–2.0 g sodium fluoroacetate/kg;</li> <li>• Fish paste containing 10 g sodium fluoroacetate/kg;</li> <li>• Apple-based paste containing 1.5 g sodium fluoroacetate/kg;</li> <li>• Peanut-based paste containing 1.5 g sodium fluoroacetate/kg;</li> <li>• Polymer gel block containing 1.5 g sodium fluoroacetate/kg.</li> </ul> <p>The maximum quantity per package of the following formulated substances containing 1080 permitted to be carried on passenger service vehicles is <b>3.0 kg</b>:</p> <ul style="list-style-type: none"> <li>• Fishmeal pellets containing 1.0 g sodium fluoroacetate/kg;</li> <li>• Cereal-based pellets containing 0.4–0.8 g sodium fluoroacetate/kg;</li> <li>• Apple-based paste containing 0.6–0.8 g sodium fluoroacetate/kg.</li> </ul>
T8	<p><b>Regulation 28 – Controls on vertebrate poisons – varied (in part)</b></p> <p>This Regulation applies to formulated substances containing 1080 that are (lawfully) laid or applied outdoors for terrestrial vertebrate pest control. Signage requirements are imposed on the person in</p>



Control Code	Regulation and Explanation
	<p>charge of laying or applying the bait which are designed to limit the likelihood of the substances from coming into contact with members of the general public and non-target species in places of public access.</p> <p>The requirement for the substance to be under the control of an approved handler or secured (Control Code T6, Regulation 9) does not apply after the substance has been applied or laid.</p> <p><b>Regulation 28 of the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001</b></p> <p>For formulated substances containing 1080, subclauses (2), (3)(b) and (d), (4) and (5) of regulation 28 are varied under section 77A as follows:</p> <p>(2) A person in charge of the substance must ensure that signs are erected at every normal point of entry to the place where the substance is to be applied or laid before the substance is applied or laid.</p> <p>(3) The signs must—...</p> <p>(b) identify the substance and state that it is toxic to human beings and ecotoxic to other vertebrates and state that it might be present in carcasses; and...</p> <p>(d) comply with regulations 34 and 35 of the Hazardous Substances (Identification) Regulations 2001, except that regulation 35 applies as follows:</p> <p>(i) in relation to the information required to be included on the signs by virtue of subclauses (3)(a) and (c) of this regulation 28, as if the distances referred to in regulation 35(3)(c) of the Hazardous Substances (Identification) Regulations 2001 were a distance of not less than 2 metres; and</p> <p>(ii) in relation to the information required to be included on the signs by virtue of subclause (3)(b) of this regulation 28, as if the distances referred to in regulation 35(3)(c) of the Hazardous Substances (Identification) Regulations 2001 were a distance of not less than 10 metres.</p> <p>(4) The signs must remain in place for a minimum of six months after the last date of application, or until the earlier of—</p> <p>(a) the date when the substance (and any carcass) is no longer toxic; or</p> <p>(b) the date of retrieval of the substance (and any carcass) from the place concerned.</p> <p>(5) Signs must be removed at the later of—</p> <p>(a) the date when they are no longer required to remain under subclause (4); or</p> <p>(b) in the case of signs that include information to which a legal obligation applies that requires the signs to remain in place for a longer period of time, the expiry of that longer period of time.</p>
	<p><b>Regulation 28(2)</b> requires that signs be erected at every normal point of entry at least three days before a substance is applied or laid. At the time of transfer (and approval) of relevant formulated substances containing 1080 into the HSNO regime, the Authority's Transfer of Substances Standing Committee removed the requirement for signs to be in place "at least three days" before a substance is applied or laid. This was in response to submissions received on the three-day requirement which indicated that it was an impractical requirement which would not reduce risks to the public. The Transfer of Substances Standing Committee also noted that the Medical Officers of Health and the Department of Conservation are able to set additional conditions on the use of formulated substances containing 1080 through the requirement for permissions under section 95A of the Act. This was considered to be a more effective way to manage the signage requirement than requiring signs to be erected "at least three days" before a substance is applied or laid. The Committee in this application, is satisfied that regulation 28(2) set out above should be varied under section 77A, as the varied control will be more effective in terms of its effect on the management, use and risks of formulated substances containing 1080.</p> <p><b>Regulation 28(3)(d)</b> requires that signs must comply with Part 3 of the Hazardous Substances (Identification) Regulations 2001. As the regulation is written, this means that all information displayed on a sign, including identification of the person applying the substance, their contact details and the date on which the substance is to be applied must be visible from 10 metres.</p> <p>In the Committee's view, the 10 metre requirement is intended to address other matters such as stating that hazardous substances are present, their general type of hazard and their general type of classification. If required to be adhered to in the case of use of formulated substances containing 1080 for information relating to date of application and contact details, signs will be considerably larger than is desirable and will lose their visibility and clarity with respect to the priority identification information and will not effectively manage risks to the public. For this reason, the visibility distance for information required in relation to formulated substances containing 1080 by regulation 28(3)(a) and (c) of the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001, is varied under section 77A to a distance of not less than two metres.</p> <p>However, in respect of Regulation 28(3)(b), the Committee is of the opinion that the 10 metre requirement should apply to one other matter not currently required on signs, namely the hazards posed by poisoned carcasses to dogs. The Committee notes that ACVM and DoC currently require signs to indicate that both bait and carcasses are poisonous to</p>

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	<p>dogs but considers that it is appropriate that this risk should also be managed by way of a control under the Act.</p> <p>The Committee is therefore satisfied that regulation 28(3)(b) and (d) should be varied under section 77A as set out above and that these variations are more effective in terms of its effect on the management, use and risks of the substances as they will help to limit the likelihood of the substances coming into contact with members of the public and non-target species in places of public access.</p> <p><b>Regulations 28(4) and (5)</b> relate to the period of time during which signs must remain in place. For formulated substances containing 1080, the Committee varies these requirements under section 77A to provide that signs must remain for at least a minimum period of six months or until the earlier of retrieval of the bait or it is demonstrated that the bait has ceased to be toxic. This latter requirement will also relate to bait in carcasses.</p> <p>In addition, the Committee re-imposes an additional mandatory requirement under section 77A for signs to be removed after completion of an operation. This requirement was imposed by the Transfer of Substances Standing Committee on transfer of the substances into the HSNO regime based on the premise that signs should only remain in place for so long as the hazard remains present in the environment. The Committee is satisfied that these variations/additions are more effective in terms of their effect on the management, use and risks of the substances than the existing regulations.</p>
E1	<p><b>Regulations 32-45 – Limiting exposure to ecotoxic substances</b></p> <p>This control relates to the setting of environmental exposure limits (EELs). An EEL establishes the maximum concentration of an ecotoxic substance legally allowable in a particular (non-target) environmental medium (for example, soil or sediment or water), including deposition of a substance onto surfaces (for example, as in spray drift deposition).</p> <p>Under the regulations, an EEL can be established by one of three means:</p> <ul style="list-style-type: none"> <li>• applying the default EELs specified;</li> <li>• adopting an established EEL;</li> <li>• calculating an EEL from an assessment of available ecotoxicological data.</li> </ul>
	<p>No environmental exposure limits (EELs) are set for 1080 at this time, either through applying the default EEL, adopting an established value, or calculating an EEL from an assessment of available ecotoxicological data. The Committee notes that EELs may be set at a later date when the policy for the setting of EELs under section 77B has been established.</p> <p>The default EELs specified under regulation 32 are accordingly deleted.</p>
E2	<p><b>Regulations 46-48 – Restrictions on use within application area</b></p> <p>These Regulations relate to controls on application areas. An application (target) area is an area that the person using the substance either has control over or is otherwise authorised to apply the substance to. For ecotoxic substances that are intentionally released into the environment (for example, pesticides), any EEL controls will not apply within the application (target) area provided that the substance is applied at a rate that does not exceed the allowed application rate. In addition, any approved handler controls (Code T6/E7, Regulation 9) do not apply once the substance has been applied or laid.</p> <p>In recognition of the need to limit adverse effects within the target area, Regulations have been prescribed to restrict the use of the substance within the target area. These include a requirement to set an application rate for any substance designed for biocidal action for which an EEL has been set. The application rate must not be greater than the application rate specified in the application for approval, or not greater than a rate calculated in a similar manner to that used to calculate EELs (with the proviso that the product of the uncertainty factors must not exceed 100).</p> <p>Regulation 48 (as amended in the Hazardous Substances (Sodium Fluoroacetate) Transfer Notice 2005 (<i>New Zealand Gazette</i> Issue No 92, 17 June 2005)) states that the Authority may set an application rate for a substance that is designed for biocidal action if an EEL has been set for the substance. This change gives the Authority discretion on whether or not to set an application rate.</p> <p>No application rate is set for the ground-based application of formulated substances containing 1080. The following control, however, is set for aerial application of three of the formulated substances containing 1080:</p> <p><b>Application rates for aerial application</b></p> <p>For <b>aerial application</b> of formulated substances containing 1080, an <b>application</b> rate not exceeding 30g sodium fluoroacetate(1080)/ha is set.</p> <p>This <b>application</b> rate applies to the following substances when aerially applied:</p> <ul style="list-style-type: none"> <li>• Cereal-based pellets containing 0.4–0.8 g sodium fluoroacetate/kg;</li> <li>• Cereal-based pellets containing 1.5–2.0 g sodium fluoroacetate/kg;</li> </ul>

Control Code	Regulation and Explanation						
	<ul style="list-style-type: none"> <li>Soluble concentrate containing 200 g sodium fluoroacetate/litre.</li> </ul> <p>The Committee notes that application rates per hectare have come down significantly over the past few decades and that the current practice for possum and rabbit control are for application rates of 2.4–7.5 g 1080/ha and 2–8 g 1080/ha respectively (additional information supplied by the applicants, 22 December 2006). The Committee accepts DoC’s view provided at the hearings that it is appropriate to leave the rate at its current level so as to allow a sufficient degree of operational flexibility particularly when considering simultaneous multi-species pest control (for example, rats, possums and wallabies). Further, DoC advised the Committee that on occasions when pest numbers are high, double-sowing is necessary.</p> <p>The Committee therefore sets an application rate not exceeding 30g sodium fluoroacetate(1080)/ha for the following substances when aerially applied:</p> <ul style="list-style-type: none"> <li>Cereal-based pellets containing 0.4–0.8 g sodium fluoroacetate/kg;</li> <li>Cereal-based pellets containing 1.5–2.0 g sodium fluoroacetate/kg;</li> <li>Soluble concentrate containing 200 g sodium fluoroacetate/litre.</li> </ul>						
<b>E3</b>	<b>Regulation 49 – Controls relating to protection of terrestrial invertebrates – deleted</b>						
	<p>This control is deleted under section 77(4)(a). The control is only triggered for the following formulated substances containing 1080:</p> <ul style="list-style-type: none"> <li>Soluble concentrate containing 200 g sodium fluoroacetate/litre;</li> <li>Fish paste containing 10 g sodium fluoroacetate/kg;</li> <li>Polymer gel containing 50 g sodium fluoroacetate/kg;</li> <li>Polymer gel containing 100 g sodium fluoroacetate/kg.</li> </ul> <p>However, while these substances all have a 9.4A classification, none of them is attractive to bees as they contain no sweeteners. Therefore, regulation 49(1)(a) does not apply as the substances are not in a form to which bees are “likely to be exposed”. As a result, the Committee is satisfied, having regard to section 77(4)(a), that the adverse effects identified for these substances are less than the adverse effects which would usually be associated with substances given the same hazard classification and that the control can be deleted.</p>						
<b>E4</b>	<b>Regulation 50 – Controls relating to protection of terrestrial vertebrates – deleted</b>						
	<p>Regulation 50 is deleted under section 77(4)(b). The formulated substance <i>soluble concentrate containing 200 g sodium fluoroacetate/litre</i>, when mixed with oats, potentially falls within the ambit of this regulation (“coated on seed”). However, the regulation is concerned with setting an EEL for the substance so that if ingested, it would not be likely to cause adverse effects in terrestrial vertebrates. Given that the substance is to be specifically used to control possums and other vertebrates, it would not be appropriate to set an EEL under this regulation. The Committee is satisfied that the benefits of using <i>soluble concentrate containing 200 g sodium fluoroacetate/litre</i>, when mixed with oats justify deleting the regulation under section 77(4)(b) and that the deletion does not, in the Committee’s opinion, significantly increase the adverse effects of using the substance, particularly given the imposition, under this approval, of other controls on its use.</p>						
<b>E4</b>	<b>Regulation 51 – Controls relating to the use of ecotoxic substances as bait</b>						
	<p>Where substances are used outdoors as bait and are known to inhibit growth or reproduction or cause death in one or more vertebrate species, this regulation requires that the Authority must specify one or more of the following matters for the substance:</p> <ul style="list-style-type: none"> <li>colour;</li> <li>methods of release;</li> <li>repellents or attractants to be used with the substance;</li> <li>bait size;</li> <li>degree of palatability.</li> </ul> <p>In accordance with this regulation, the Committee sets the following methods of release, bait size and colours for the stated formulated substances containing 1080:</p> <p><b>Methods of release, bait size and colour</b></p> <p>The following Table specifies for each formulated substance containing 1080 listed in column 1—</p> <ol style="list-style-type: none"> <li>the method or methods of release and (where applicable) bait size specified in column 2 for the substance; and</li> <li>a colour specified in column 3 for the substance.</li> </ol> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">Column 1</th> <th style="width: 33%;">Column 2</th> <th style="width: 33%;">Column 3</th> </tr> </thead> <tbody> <tr> <td style="height: 20px;"> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Column 1	Column 2	Column 3			
Column 1	Column 2	Column 3					

Control Code	Regulation and Explanation		
	Substance	Method(s) of release and (where applicable) bait size	Colour
	Cereal-based pellets containing 0.4 – 0.8 g sodium fluoroacetate/kg Cereal-based pellets containing 1.5 – 2.0 g sodium fluoroacetate/kg	<b>Aerial</b> application or <b>ground-based</b> application	Blue or green
	Soluble concentrate containing 200 g sodium fluoroacetate/litre	<p>This substance may only be used when mixed with the following food baits and released by the following methods:</p> <p><u>When mixed with prepared (cut) apple:</u></p> <ul style="list-style-type: none"> <li>to a maximum concentration of 2.0 g sodium fluoroacetate (1080) per kg apple</li> </ul> <p><b>Contained ground-based</b> application</p> <p><u>When mixed with prepared (cut) carrot (except when used for rabbit control through ground-based application):</u></p> <ul style="list-style-type: none"> <li>to a maximum concentration of 2.0 g sodium fluoroacetate (1080) per kg carrot;</li> <li>bait must be screened so that bait has a mean weight of 6 g or larger; and</li> <li>chaff (pieces &lt;0.5 g) must be less than 1.5% of the total weight of carrot</li> </ul> <p><b>Aerial</b> application or <b>ground-based</b> application</p> <p><u>When mixed with oats :</u></p> <ul style="list-style-type: none"> <li>to a maximum concentration of 0.6 g sodium fluoroacetate (1080) per kg oats</li> </ul> <p><b>Aerial</b> application or <b>ground-based</b> application</p>	Blue or green
	Peanut-based Paste containing 1.5 g sodium fluoroacetate/kg	<b>Contained ground-based</b> application	Blue or green
	Apple-based Paste containing 1.5 g sodium fluoroacetate/kg	<b>Ground-based</b> application	Blue or green
	Apple-based paste containing 0.6 – 0.8 g sodium fluoroacetate/kg Polymer gel containing 50 g sodium fluoroacetate/kg Polymer gel containing 100 g sodium fluoroacetate/kg Fishmeal pellets containing 1.0 g sodium fluoroacetate/kg	<b>Ground-based</b> application	Blue or green
	Fish paste containing 10 g sodium fluoroacetate/kg	<b>Contained ground-based</b> application	Blue or green
	Polymer gel block containing 1.5 g		

Control Code	Regulation and Explanation
	sodium fluoroacetate/kg
	<p>The restrictions set out in the Table are imposed on formulated substances containing 1080 under Regulation 51, for the following reasons:</p> <p><u>Colour</u></p> <p>For all formulated substances containing 1080, baits must be coloured either blue or green. The previous requirement under the Pesticides Act (and related regulations) that baits had to be dyed green was based on the effectiveness of the colour in reducing the visual attractiveness of the baits to birds. More recent research with New Zealand native birds indicated that blue may also be an effective visual deterrent for North Island robins and weka. There have also been problems with attaining a green colour in certain bait formulations. Specification of the bait colour as either blue or green provides a visual deterrent to birds which allows some flexibility in bait colour depending on the characteristics of the bait and the specific circumstances of any particular operation.</p> <p><u>Method(s) of release</u></p> <p>The formulated substance <i>peanut-based paste containing 1.5 g sodium fluoroacetate/kg</i> is restricted to use in <b>contained ground-based application</b>.</p> <p>The previous approval for <i>paste containing 1.5 g sodium fluoroacetate/kg</i> covered both peanut-based pastes and fruit (apple)-based paste approved for use in <b>ground-based application</b>.</p> <p>Testing has shown that peanut is more attractive to native bats than some of the other types of bait and current practice is that peanut-based paste is used only in bait stations. The attractiveness of the peanut-based paste to other non-target species has not been studied. Having regard to this uncertainty over attractiveness of the peanut-based paste to non-target species, and the differing risk profiles of the peanut and apple-based pastes, the Committee has decided that they should be separately approved under this decision with a control added to restrict the peanut-based paste to use in <b>contained ground-based application</b>. This effectively restricts its use to bait stations, which accords with current practice. The Committee is of the opinion that this will be a more effective way of managing the risks posed by the peanut-based substance. It is also consistent with the approach taken by virtue of <b>Additional Control 10</b> which requires formulation changes to be notified to the Authority and could lead to changes to controls on approved substances if information provided shows changes to the risk profile.</p> <p>Two other formulated substances containing 1080 are also restricted to <b>contained ground-based application</b>, consistent with current practice, to minimise the exposure of non-target species to the baits:</p> <ul style="list-style-type: none"> <li>• Fish paste containing 10 g sodium fluoroacetate/kg;</li> <li>• Polymer gel block containing 1.5 g sodium fluoroacetate/kg.</li> </ul> <p>Further, the Committee has decided that when <i>soluble concentrate containing 200g/L sodium fluoroacetate</i> is mixed with cut apple to a maximum toxic loading of 2.0 g sodium fluoroacetate per kg of prepared apple, it must only be used in contained bait stations because cut apple is attractive to a range of non-target species if not contained.</p> <p><u>Bait size</u></p> <p>When <i>soluble concentrate containing 200g/L sodium fluoroacetate</i> is mixed with prepared (cut) carrots to a maximum toxic loading of 2.0 g sodium fluoroacetate (1080) per kg of carrot, it must be manufactured to the following specifications:</p> <ul style="list-style-type: none"> <li>• bait must be screened so that bait has a mean weight of 6 g or larger; and</li> <li>• chaff (pieces &lt;0.5 g) must be less than 1.5% of the total weight of carrot.</li> </ul> <p>This applies whichever of the two approved methods of release are used. The rationale for this is that small pieces of bait contain a higher toxic loading than larger pieces and present a higher risk to non-target species. This is due to their small size (they are more readily ingested and have a high toxic loading) and the fact that a greater number of baits per hectare increases the likelihood of exposure. The requirements do not, however, apply when the carrot bait is being used for rabbit control through <b>ground-based application</b>.</p>
	<b>Hazardous Substances (Identification) Regulations 2001</b>
	<p>The Identification Regulations prescribe requirements with regard to identification of hazardous substances in terms of:</p> <ul style="list-style-type: none"> <li>• information that must be "immediately available" with the substance (priority and secondary identifiers). This information is generally provided by way of the product label;</li> <li>• documentation that must be available in the workplace, generally provided by way of Safety Data Sheets; and</li> <li>• signage at a place where there is a large quantity of the substance.</li> </ul>
11	<p><b>General identification requirements</b></p> <p>These controls relate to the duties of suppliers and persons in charge of formulated substances</p>

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	<p>containing 1080 with respect to identification (essentially labelling) (Regulations 6 and 7), accessibility of the required information (Regulations 32 and 33) and presentation of the required information with respect to comprehensibility, clarity and durability (Regulations 34, 35, 36(1)–(7)).</p> <p><b>Regulation 6 – Identification duties of suppliers</b></p> <p>Suppliers of any substance containing 1080 must ensure it is labelled with all relevant priority identifier information (as required by Regulations 8–17) and secondary identifier information (as required by Regulations 18–30) before supplying it to any other person. This includes ensuring that the priority identifier information is available to any person handling the substance within <b>two seconds</b> (Regulation 32), and the secondary identifier information available within <b>10 seconds</b> (Regulation 33).</p> <p>Suppliers must also ensure that no information is supplied with the substance (or its packaging) that suggests it belongs to a class or subclass that it does not in fact belong to.</p> <p><b>Regulation 7 – Identification duties of persons in charge</b></p> <p>Persons in charge of any formulated substance containing 1080 must ensure it is labelled with all relevant priority identifier information (as required by Regulations 8 to 17) and secondary identifier information (as required by Regulations 18 to 30) before supplying it to any other person. This includes ensuring that the priority identifier information is available to any person handling the substance within <b>two seconds</b> (Regulation 32), and the secondary identifier information is available within <b>10 seconds</b> (Regulation 33).</p> <p>Persons in charge must also ensure that no information is supplied with the substance (or its packaging) that suggests it belongs to a class or subclass that it does not in fact belong to.</p> <p><b>Regulations 32 and 33 – Accessibility of information</b></p> <p>All priority identifier Information (as required by Regulations 8 to 17) must be available within <b>two seconds</b>, for example, on the label.</p> <p>All secondary identifier Information (as required by Regulations 18 to 30) must be available within <b>10 seconds</b>, for example, on the label.</p> <p><b>Regulations 34, 35, 36(1)–(7) – Comprehensibility, clarity and durability of information</b></p> <p>All required priority and secondary identifiers must be presented in a way that meets the performance standards in these Regulations. In summary:</p> <ul style="list-style-type: none"> <li>• any information provided (either written or oral) must be readily understandable and in English;</li> <li>• any information provided in written or pictorial form must be able to be easily read or perceived by a person with average eyesight under normal lighting conditions;</li> <li>• any information provided in an audible form must be able to be easily heard by a person with average hearing;</li> <li>• any information provided must be in a durable format ie the information requirements with respect to clarity must be able to be met throughout the lifetime of the (packaged) substance under the normal conditions of storage, handling and use.</li> </ul>
13	<p><b>Regulation 9 – Priority identifiers for ecotoxic substances</b></p> <p>This requirement specifies that formulated substances containing 1080 must be prominently identified as being ecotoxic.</p> <p>This information must be available to any person handling the substance within <b>two seconds</b> (Regulation 32) and can be provided by way of signal headings or commonly understood pictograms on the label.</p>
18	<p><b>Regulation 14 – Priority identifiers for certain toxic substances</b></p> <p>This requirement specifies that formulated substances containing 1080 must be prominently identified as being toxic. In addition, information must be provided on the general degree and type of hazard of the substance, and the need to restrict access to the substance by children.</p> <p>This information must be available to any person handling the substance within two seconds (Regulation 32) and can be provided by way of signal headings or commonly understood pictograms on the label.</p>
19	<p><b>Regulation 18 – Secondary identifiers for all hazardous substances</b></p> <p>This control relates to the level of detail required for formulated substances containing 1080 on the</p>

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111	<p>product label. This information must be accessible within 10 seconds (Regulation 33) and could be provided on secondary panels on the product label. The following information is required:</p> <ul style="list-style-type: none"> <li>• an indication (which may include its common name, chemical name, or registered trade name) that unequivocally identifies it; and</li> <li>• enough information to enable its New Zealand importer, supplier, or manufacturer to be contacted, either in person or by telephone; and</li> <li>• in the case of a substance which, when in a closed container, is likely to become more hazardous over time or develop additional hazardous properties, or become a hazardous substance of a different class or subclass, a description of each likely change and the date by which it is likely to occur.</li> </ul>
116	<p><b>Regulation 20 – Secondary identifiers for ecotoxic substances</b></p> <p>This control relates to the additional label detail required for formulated substances containing 1080 substances. This information must be accessible within <b>10 seconds</b> (Regulation 33) and could be provided on secondary panels on the product label. The following information must be provided:</p> <ul style="list-style-type: none"> <li>• an indication of the circumstances in which it may harm living organisms;</li> <li>• an indication of the kind and extent of the harm it is likely to cause to living organisms;</li> <li>• an indication of the steps to be taken to prevent harm to living organisms;</li> <li>• an indication of its general type and degree of hazard (for example, very toxic to aquatic life for a substance triggering a 9.1A classification and ecotoxic to terrestrial invertebrates for a substance triggering a 9.3B classification).</li> </ul>
117	<p><b>Regulation 25 – Secondary identifiers for toxic substances</b></p> <p>This control relates to the additional label detail required for formulated substances containing 1080. This information must be accessible within 10 seconds (Regulation 33) and could be provided on secondary panels on the product label. The following information must be provided:</p> <ul style="list-style-type: none"> <li>• an indication of its general type and degree of toxic hazard (for example, acutely toxic);</li> <li>• an indication of the circumstances in which it may harm human beings;</li> <li>• an indication of the kinds of harm it may cause to human beings, and the likely extent of each kind of harm;</li> <li>• an indication of the steps to be taken to prevent harm to human beings;</li> <li>• the name and concentration of <b>sodium fluoroacetate (1080)</b>.</li> </ul>
118	<p><b>Regulation 26 – Use of generic names</b></p> <p>This control provides the option of using a generic name to identify <b>groups</b> of ingredients where such ingredients are required to be listed on the product label as specified by Regulations 19(f) and 25(e) and (f).</p> <p>The generic name must identify the key chemical entities and functional groups in the ingredients that contribute to their hazardous properties.</p> <p>Regulations 25(e) specifies a requirement to list on the product label, the name and concentration of <b>sodium fluoroacetate (1080)</b>.</p>
119	<p><b>Regulation 27 – Use of concentration ranges</b></p> <p>This control provides the option of providing concentration ranges for those ingredients whose concentrations are required to be stated on the product label as specified by Regulations 19(f) and 25(e) and (f).</p> <p>Regulations 25(e) specifies a requirement to list on the product label, the name and concentration of <b>sodium fluoroacetate (1080)</b>.</p>
119	<p><b>Regulations 29-31 – Alternative information in certain cases</b></p> <p><b>Regulation 29 – Substances in fixed bulk containers or bulk transport containers</b></p> <p>This Regulation relates to alternative ways of presenting the priority and secondary identifier information required by Regulations 8 to 25 when formulated substances containing 1080 are contained in fixed bulk containers or bulk transport containers.</p> <p>Regulation 29(1) specifies that for fixed bulk containers, it is sufficient compliance if there is available at all times to people near the container, information that identifies the type and general degree of hazard of the substance.</p>

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	<p>Regulation 29(2) specifies that for bulk transport containers, it is sufficient compliance if the substance is labelled or marked in compliance with the requirements of the Land Transport Rule, Civil Aviation Act 1990 or Maritime Transport Act 1994.</p> <p><b>Regulation 30 – Substances in multiple packaging</b></p> <p>This Regulation relates to situations when formulated substances containing 1080 are in multiple packaging and the outer packaging obscures some or all of the required substance information. In such cases, the outer packaging must:</p> <ul style="list-style-type: none"> <li>• be clearly labelled with all relevant priority identifier information ie the hazardous properties of the substance must be identified; or</li> <li>• be labelled or marked in compliance with either the Land Transport Rule, Civil Aviation Act 1990 or the Maritime Safety Act 1994 as relevant; or</li> <li>• in the case of an ecotoxic substance, it must bear the EU pictogram “Dangerous to the Environment” (‘dead fish and tree’ on orange background); or</li> <li>• bear the relevant class or subclass label assigned by the UN Model Regulations.</li> </ul> <p><b>Regulation 31 – Alternative information when substances are imported</b></p> <p>This Regulation relates to alternative information requirements for formulated substances containing 1080 that are imported into New Zealand in a closed package or in a freight container and will be transported to its destination without being removed from that package or container. In these situations, it is sufficient compliance with the requirements of the Act if the package or container is labelled or marked in compliance with the requirements of the Land Transport Rule.</p>
I20	<p><b>Regulation 36(8) – Durability of information for class 6.1 substances</b></p> <p>Any packaging in direct contact with formulated substances containing 1080 must be permanently identified as having contained a toxic substance, unless the substance as packaged is restricted to a place of work.</p>
I21	<p><b>Regulations 37-39, 47-50 – Documentation required in places of work</b></p> <p>These controls relate to the duties of suppliers and persons in charge of places of work with respect to provision of documentation (essentially Safety Data Sheets) (Regulations 37, 38 and 50); the general content requirements of the documentation (Regulation 39 and 47); the accessibility and presentation of the required documentation with respect to comprehensibility and clarity (Regulation 48).</p> <p>These controls are triggered when the following quantities of formulated substances containing 1080 are held in a place of work:</p> <p><b>Any quantity:</b></p> <ul style="list-style-type: none"> <li>• Soluble concentrate containing 200 g sodium fluoroacetate/litre;</li> <li>• Cereal-based pellets containing 1.5–2.0 g sodium fluoroacetate/kg;</li> <li>• Fish paste containing 10 g sodium fluoroacetate/kg;</li> <li>• Apple-based paste containing 1.5 g sodium fluoroacetate/kg;</li> <li>• Peanut-based paste containing 1.5 g sodium fluoroacetate/kg;</li> <li>• Polymer gel containing 50 g sodium fluoroacetate/kg;</li> <li>• Polymer gel containing 100 g sodium fluoroacetate/kg;</li> <li>• Polymer gel block containing 1.5 g sodium fluoroacetate/kg.</li> </ul> <p><b>Quantities equal to or greater 0.5 kg:</b></p> <ul style="list-style-type: none"> <li>• Fishmeal pellets containing 1.0 g sodium fluoroacetate/kg;</li> <li>• Cereal-based pellets containing 0.4–0.8 g sodium fluoroacetate/kg;</li> <li>• Apple-based paste containing 0.6–0.8 g sodium fluoroacetate/kg.</li> </ul> <p><b>Regulation 37 – Documentation duties of suppliers</b></p> <p>A supplier must provide documentation containing all relevant information required by Regulations 39 to 48 when selling or supplying to another person a quantity formulated substances containing 1080 (as indicated below), if the substance is to be used in a place of work and the supplier has not previously provided the documentation to that person.</p> <p>The requirements are triggered for the following quantities of formulated substances containing 1080:</p> <p><b>Any quantity:</b></p>



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	<ul style="list-style-type: none"> <li>• Soluble concentrate containing 200 g sodium fluoroacetate/litre;</li> <li>• Cereal-based pellets containing 1.5–2.0 g sodium fluoroacetate/kg;</li> <li>• Fish paste containing 10 g sodium fluoroacetate/kg;</li> <li>• Apple-based paste containing 1.5 g sodium fluoroacetate/kg;</li> <li>• Peanut-based paste containing 1.5 g sodium fluoroacetate/kg;</li> <li>• Polymer gel containing 50 g sodium fluoroacetate/kg;</li> <li>• Polymer gel containing 100 g sodium fluoroacetate/kg;</li> <li>• Polymer gel block containing 1.5 g sodium fluoroacetate/kg.</li> </ul> <p><b>Quantities equal to or greater 0.5 kg:</b></p> <ul style="list-style-type: none"> <li>• Fishmeal pellets containing 1.0 g sodium fluoroacetate/kg;</li> <li>• Cereal-based pellets containing 0.4–0.8 g sodium fluoroacetate/kg;</li> <li>• Apple-based paste containing 0.6–0.8 g sodium fluoroacetate/kg.</li> </ul> <p><b>Regulation 38 – Documentation duties of persons in charge of places of work</b></p> <p>The person in charge of any place of work where any substance containing 1080 is present in quantities equal to or greater than those specified in Regulation 38 (and with reference to Schedule 2 of the Identification Regulations), must ensure that every person handling the substance has access to the documentation required for each hazardous substance concerned. The person in charge must also ensure that the documentation does not contain any information that suggests that the substance belongs to a class or subclass it does not in fact belong to.</p> <p><b>Regulation 39 – General content requirements for documentation</b></p> <p>The documentation provided with formulated substances containing 1080 must include the following information:</p> <ul style="list-style-type: none"> <li>• the unequivocal identity of the substance (for example, the CAS number, chemical name, common name, UN number, registered trade name(s));</li> <li>• a description of the physical state, colour and odour of the substance;</li> <li>• if the substance's physical state may alter over the expected range of workplace temperatures, the documentation must include a description of the temperatures at which the changes in physical state may occur and the nature of those changes;</li> <li>• in the case of a substance that, when in a closed container, is likely to become more hazardous over time or develop additional hazardous properties, or become a hazardous substance of a different class, the documentation must include a description of each likely change and the date by which it is likely to occur;</li> <li>• contact details for the New Zealand supplier/manufacturer/importer;</li> <li>• all emergency management and disposal information required for the substance;</li> <li>• the date on which the documentation was prepared.</li> </ul> <p><b>Regulation 47 – Information not included in approval</b></p> <p>This Regulation relates to the provision of specific documentation information (for example, as provided on a Safety Data Sheet). If information required by Regulations 39 to 46 was not included in the information used for the approval of the substance by the Authority, it is sufficient compliance with those Regulations if reference is made to that information requirement along with a comment indicating that such information is not applicable to that substance.</p> <p><b>Regulation 48 – Location and presentation requirements for documentation</b></p> <p>All required documentation must be available to a person handling the substance in a place of work within <b>10 minutes</b>. The documentation must be readily understandable by any fully-trained worker required to have access to it and must be easily read, under normal lighting conditions, at a distance of not less than 0.3 m.</p> <p><b>Regulation 49 – Documentation requirements for vehicles</b></p> <p>This Regulation provides for the option of complying with documentation requirements as specified in the various Land, Sea and Air transport rules when the substance is being transported.</p> <p><b>Regulation 50 – Documentation to be supplied on request</b></p> <p>Notwithstanding Regulation 37 above, a supplier must provide the required documentation to any person in charge of a place of work (where formulated substances containing 1080 are present) if asked to do so by that person.</p>
123	<b>Regulation 41 – Specific documentation requirements for ecotoxic substances</b>

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I28	<p>The documentation provided with any formulated substance containing 1080 must include the following information:</p> <ul style="list-style-type: none"> <li>• its general degree and type of ecotoxic hazard (for example, highly ecotoxic to terrestrial invertebrates for substances triggering a 9.3A classification);</li> <li>• a full description of the circumstances in which it may harm living organisms and the extent of that harm;</li> <li>• a full description of the steps to be taken to prevent harm to living organisms;</li> <li>• a summary of the available acute and chronic (ecotox) data used to define the (ecotox) subclass or subclasses in which it is classified;</li> <li>• its bio-concentration factor or octanol-water partition coefficient;</li> <li>• its expected soil or water degradation rate;</li> <li>• any EELs set by the Authority.</li> </ul>
I28	<p><b>Regulation 46 – Specific documentation requirements for toxic substances</b></p> <p>The documentation provided with any formulated substance containing 1080 must include the following information:</p> <ul style="list-style-type: none"> <li>• its general degree and type of toxic hazard;</li> <li>• a full description of the circumstances in which it may harm human beings;</li> <li>• the kinds of harm it may cause to human beings;</li> <li>• a full description of the steps to be taken to prevent harm to human beings;</li> <li>• if it will be a liquid during its use, the percentage of volatile substance in the liquid formulation, and the temperature at which the percentages were measured;</li> <li>• a summary of the available acute and chronic (toxicity) data used to define the (toxic) subclass or subclasses in which it is classified;</li> <li>• the symptoms or signs of injury or ill health associated with each likely route of exposure;</li> <li>• the dose, concentration, or conditions of exposure likely to cause injury or ill health;</li> <li>• any TELs or WESs set by the Authority.</li> </ul>
I29	<p><b>Regulations 51-52 – Duties of persons in charge of places with respect to signage</b></p> <p>These controls specify the requirements for signage, in terms of content, presentation and positioning at places where formulated substances containing 1080 are held in quantities exceeding the amounts specified below.</p> <p><b>Quantities exceeding 50 kg:</b></p> <ul style="list-style-type: none"> <li>• Polymer gel containing 50 g sodium fluoroacetate/kg;</li> <li>• Polymer gel containing 100 g sodium fluoroacetate/kg.</li> </ul> <p><b>Quantities exceeding 50 litres:</b></p> <ul style="list-style-type: none"> <li>• Soluble concentrate containing 200 g sodium fluoroacetate/litre</li> </ul> <p><b>Quantities exceeding 250 kg:</b></p> <ul style="list-style-type: none"> <li>• Cereal-based pellets containing 1.5–2.0 g sodium fluoroacetate/kg;</li> <li>• Fish paste containing 10 g sodium fluoroacetate/kg;</li> <li>• Apple-based paste containing 1.5 g sodium fluoroacetate/kg;</li> <li>• Peanut-based paste containing 1.5 g sodium fluoroacetate/kg;</li> <li>• Polymer gel block containing 1.5 g sodium fluoroacetate/kg.</li> </ul> <p><b>Quantities exceeding 1000 kg:</b></p> <ul style="list-style-type: none"> <li>• Fishmeal pellets containing 1.0 g sodium fluoroacetate/kg;</li> <li>• Cereal-based pellets containing 0.4–0.8 g sodium fluoroacetate/kg;</li> <li>• Apple-based paste containing 0.6–0.8 g sodium fluoroacetate/kg.</li> </ul> <p>Signs are required:</p> <ul style="list-style-type: none"> <li>• at every entrance to the building and/or location (vehicular and pedestrian) where the substances are present;</li> <li>• at each entrance to rooms or compartments where the substances are present;</li> <li>• immediately adjacent to the area where the substances are located in an outdoor area.</li> </ul> <p>The information provided in the signage needs to be understandable over a distance of 10 metres and</p>

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	<p>be sufficient to:</p> <ul style="list-style-type: none"> <li>• advise that the location contains the relevant substances;</li> <li>• describe the general type of hazard of each substance;</li> <li>• where the signage is immediately adjacent to the hazardous substance storage areas, describe the precautions needed to safely manage the substance.</li> </ul>
I30	<p><b>Regulation 53 – Advertising corrosive and toxic substances</b></p> <p>Any advertisement for formulated substances containing 1080 must include information that identifies the substances as toxic and indicates the need to restrict access by children. In addition, it must specify the general degree and type of hazard.</p>
<b>Hazardous Substances (Packaging) Regulations 2001</b>	
P1	<p><b>Regulations 5-6, 7(1), and 8</b></p> <p><b>General packaging requirements</b></p> <p>These controls relate to the ability of the packaging to retain its contents, allowable packaging markings with respect to design approvals, factors affecting choice of suitable packaging, and compatibility of the substance with any previous contents of the packaging.</p> <p><b>Regulation 5 – Ability to retain contents</b></p> <p>Packaging for formulated substances containing 1080 must ensure that, when the package is closed, there is no visible release of the substance, and that it maintains its ability to retain its contents in temperatures from –10°C to +50°C. The packaging must also maintain its ability to retain its remaining contents if part of the contents is removed from the package and the packaging is then re-closed. The packaging in direct contact with the substance must not be significantly affected or weakened by contact with the substance such that the foregoing requirements cannot be met.</p> <p><b>Regulation 6 – Packaging markings</b></p> <p>Packages containing formulated substances containing 1080 must not be marked in accordance with the UN Model Regulations unless:</p> <ul style="list-style-type: none"> <li>• the markings comply with the relevant provisions of that document; and</li> <li>• the packaging complies with the tests set out in Schedule 1, 2 or 3 (Packaging Regulations) respectively; and</li> <li>• the design of the packaging has been test certified as complying with those tests.</li> </ul> <p><b>Regulation 7(1) – Requirements when packing hazardous substance</b></p> <p>When packing any formulated substance containing 1080, account must be taken of its physical state and properties, and packaging must be selected that complies with the requirements of Regulations 5 and 9 to 21.</p> <p><b>Regulation 8 – Compatibility</b></p> <p>Formulated substances containing 1080 must not be packed in packaging that has been previously packed with substances with which it is incompatible unless all traces of the previous substance have been removed.</p> <p><b>Regulations 9A and 9B – Large packaging</b></p> <p>Large packaging may be used to contain formulated substances containing 1080 in New Zealand if it has been constructed, marked and tested as a large package as provided in the UN Model Regulations.</p> <p>“Large Packaging” does not include:</p> <ul style="list-style-type: none"> <li>• a tank, tank wagon or transportable container (as defined in the Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004; or</li> <li>• a stationary container system, a stationary tank or a tank (as defined in the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004.</li> </ul>
P3	<p><b>Regulation 9 – Packaging requirements for substances packed in limited quantities</b></p> <p>When any formulated substance containing 1080 is packaged in limited quantities, there is provision for it to be packaged to a lesser performance standard than normally required (as specified in Schedule 4 of the Packaging Regulations).</p>
P3, P13 and P15	<p><b>Regulations 9, 19 and 21 – Packaging requirements for toxic substances</b></p> <p>The packaging requirements for formulated substances containing 1080 set out in the Schedules to the Regulations are varied as set out below.</p>

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PG2	<p><b>Schedule 2 – Tests of packaging of hazardous substances required to be tested in accordance with this schedule</b></p> <p>The minimum packaging requirements that must be complied with are varied by substituting Schedule 2 for Schedule 1 for the following formulated substances containing 1080 when packaged in quantities of more than <b>0.5 kg/0.1 litre</b>:</p> <ul style="list-style-type: none"> <li>• Soluble concentrate containing 200 g sodium fluoroacetate/litre;</li> <li>• Polymer gel containing 50 g sodium fluoroacetate/kg;</li> <li>• Polymer gel containing 100 g sodium fluoroacetate/kg.</li> </ul> <p>The tests in Schedule 2 correlate to the packaging requirements of UN Packing Group II (UN PGII).</p> <p>In quantities less than or equal to <b>0.5 kg/0.1 litre</b> the minimum packaging requirements that must be complied with are described in Schedule 4.</p>
PG3	<p><b>Schedule 3 – Tests of packaging of hazardous substances required to be tested in accordance with this schedule</b></p> <p>The minimum packaging requirements that must be complied with are varied by substituting Schedule 3 for Schedule 2 for the following formulated substance containing 1080 when packaged in quantities of more than <b>3.0 kg</b>:</p> <ul style="list-style-type: none"> <li>• Fish paste containing 10 g sodium fluoroacetate/kg.</li> </ul> <p>The tests in Schedule 3 correlate to the packaging requirements of UN Packing Group III (UN PGIII).</p> <p>In quantities less than or equal to <b>3.0 kg</b> the minimum packaging requirements that must be complied with are described in Schedule 4.</p>
PS4	<p><b>Schedule 4 – Tests of packaging of hazardous substances required to be tested in accordance with this schedule</b></p> <p>The minimum packaging requirements that must be complied with are varied by substituting Schedule 4 for Schedule 3 for the following formulated substances containing 1080 when packaged in <b>any quantities</b>:</p> <ul style="list-style-type: none"> <li>• Cereal-based pellets containing 1.5–2.0 g sodium fluoroacetate/kg;</li> <li>• Apple-based paste containing 1.5 g sodium fluoroacetate/kg;</li> <li>• Peanut-based paste containing 1.5 g sodium fluoroacetate/kg;</li> <li>• Polymer gel block containing 1.5 g sodium fluoroacetate/kg.</li> <li>• Fishmeal pellets containing 1.0 g sodium fluoroacetate/kg;</li> <li>• Cereal-based pellets containing 0.4–0.8 g sodium fluoroacetate/kg;</li> <li>• Apple-based paste containing 0.6–0.8 g sodium fluoroacetate/kg.</li> </ul>
<p><b>Regulation 19</b></p> <p>The requirement for packaging for these substances is varied under section 77(4)(b) to substitute references to the above Schedules. The requirement for these substances to be packaged according to the Schedules in the regulations is based on the 6.1 acute oral toxicity classification of these substances. However, under the UN requirements for transport, the substances would be required to be packaged according to UNRTDG Packaging Groups based on assessment of rat toxicity data, which is less sensitive than the dog toxicity data used to classify 1080. These variations in the packaging requirements for these substances are made to align with national standards for the transport of dangerous goods.</p> <p>Having regard to the requirements of section 77(4)(b), the Committee considers that the benefits of these formulated substances containing 1080 are such that the controls should be varied to retain the benefits and that the variations will not significantly increase the adverse effects of the substances. Therefore the packaging requirements can be changed as indicated above. Further, the Committee notes that the requirements of the Identification Regulations will ensure that people handling the substances or attending an incident involving the packaged substances will be made adequately aware of the risks posed by the substances.</p>	
<p><b>Hazardous Substances (Disposal) Regulations 2001</b></p>	
D4 and D5	<p><b>Regulations 8-9 – Disposal requirements for toxic and ecotoxic substances</b></p> <p>Formulated substances containing 1080 must be disposed of by:</p> <ul style="list-style-type: none"> <li>• treating the substance so that it is no longer a hazardous substance, including depositing the substance in a landfill, incinerator or sewage facility. However, this does not include dilution of the substance with any other substance prior to discharge to the environment; or</li> <li>• discharging the substance to the environment provided that after reasonable mixing,</li> </ul>

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	<p>the concentration of the substance in any part of the environment outside the mixing zone does not exceed any TEL (tolerable exposure limit) or EEL (environmental exposure limit) set by the Authority for that substance; or</p> <ul style="list-style-type: none"> <li>exporting the substance from New Zealand as a hazardous waste.</li> </ul>
D6	<p><b>Regulation 10 – Disposal requirements for packages</b></p> <p>This control gives the disposal requirements for packages that contained formulated substances containing 1080 and are no longer to be used for that purpose. Such packages must be either decontaminated/treated or rendered incapable of containing any substance (hazardous or otherwise) and then disposed of in a manner that is consistent with the disposal requirements for the substance. In addition, the manner of disposal must take into account the material that the package is manufactured from.</p>
D7	<p><b>Regulation 11-12 – Disposal information requirements</b></p> <p>These controls relate to the provision of information concerning disposal (essentially on the label) that must be provided when selling or supplying any quantity of a substance containing 1080.</p> <p>Information must be provided on appropriate methods of disposal and information may be supplied warning of methods of disposal that should be avoided, ie that would not comply with the Disposal Regulations. Such information must be accessible to a person handling the substance within 10 seconds and must comply with the requirements for comprehensibility, clarity and durability as described in Regulations 34 to 36 of the Identification Regulations (Control Code I1).</p>
D8	<p><b>Regulation 13-14 – Disposal documentation requirements</b></p> <p>These controls relate to the provision of documentation concerning disposal (essentially in an Safety Data Sheet) that must be provided when selling or supplying any quantity of the following formulated substances containing 1080:</p> <ul style="list-style-type: none"> <li>Soluble concentrate containing 200 g sodium fluoroacetate/litre;</li> <li>Cereal-based pellets containing 1.5–2.0 g sodium fluoroacetate/kg;</li> <li>Fish paste containing 10 g sodium fluoroacetate/kg;</li> <li>Apple-based paste containing 1.5 g sodium fluoroacetate/kg;</li> <li>Peanut-based paste containing 1.5 g sodium fluoroacetate/kg;</li> <li>Polymer gel containing 50 g sodium fluoroacetate/kg;</li> <li>Polymer gel containing 100 g sodium fluoroacetate/kg;</li> <li>Polymer gel block containing 1.5 g sodium fluoroacetate/kg.</li> </ul> <p>These controls relate to the provision of documentation concerning disposal (essentially in a Safety Data Sheet) that must be provided when selling or supplying the following formulated substances containing 1080 in quantities that exceed 0.5 kg:</p> <ul style="list-style-type: none"> <li>Apple-based paste containing 0.6–0.8 g sodium fluoroacetate/kg;</li> <li>Cereal-based pellets containing 0.4–0.8 g sodium fluoroacetate/kg;</li> <li>Fishmeal pellets containing 1.0 g sodium fluoroacetate/kg.</li> </ul> <p>The documentation must describe one or more methods of disposal (that comply with the Disposal Regulations) and describe any precautions that must be taken. Such documentation must be accessible to a person handling the substance at a place of work within 10 minutes and must comply with the requirements for comprehensibility and clarity as described in Regulations 48(2), (3) and (4) of the Identification Regulations (Control Code I21).</p>
<b>Hazardous Substances (Emergency Management) Regulations 2001</b>	
EM1	<p><b>Regulations 6,7, 9-11 – Level 1 emergency management information: General requirements</b></p> <p>These controls relate to the provision of emergency management information (essentially on the label) that must be provided with <b>any quantity</b> of a formulated substance containing 1080.</p> <p>Regulation 6 describes the duties of suppliers, Regulation 7 describes the duties of persons in charge of places, Regulation 9 describes the requirement for the availability of the information (<b>10 seconds</b>) and Regulation 10 gives the requirements relating to the presentation of the information with respect to comprehensibility, clarity and durability. These requirements correspond with those relating to secondary identifiers required by the Identification Regulations (Control Code I1, Regulations 6, 7, 32–35, 36(1)–(7)).</p> <p>Regulation 11 provides for the option of complying with the information requirements specified in the various land, sea and air transport rules when the substance is being transported.</p>
EM6	<p><b>Regulation 8(e) – Information requirements for toxic substances</b></p>

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	<p>The following information must be provided when any formulated substance containing 1080 is present in <b>any quantity</b>:</p> <ul style="list-style-type: none"> <li>• a description of the first aid to be given;</li> <li>• a 24-hour emergency service telephone number.</li> </ul>
EM7	<p><b>Regulation 8(f) – Information requirements for ecotoxic substances</b></p> <p>The following information must be provided with the formulated substances containing 1080 when present in the quantities specified below:</p> <ul style="list-style-type: none"> <li>• a description of the parts of the environment likely to be immediately affected by it;</li> <li>• a description of its typical effects on those parts of the environment;</li> <li>• a statement of any immediate actions that may be taken to prevent the substance from entering or affecting those parts of the environment.</li> </ul> <p><b>Quantities equal to or greater than 0.1 litre:</b></p> <ul style="list-style-type: none"> <li>• Soluble concentrate containing 200 g sodium fluoroacetate/litre.</li> </ul> <p><b>Quantities equal to or greater than 0.1 kg:</b></p> <ul style="list-style-type: none"> <li>• Cereal-based pellets containing 1.5–2.0 g sodium fluoroacetate/kg;</li> <li>• Fish paste containing 10 g sodium fluoroacetate/kg;</li> <li>• Apple-based paste containing 1.5 g sodium fluoroacetate/kg;</li> <li>• Peanut-based paste containing 1.5 g sodium fluoroacetate/kg;</li> <li>• Polymer gel containing 50 g sodium fluoroacetate/kg;</li> <li>• Polymer gel containing 100 g sodium fluoroacetate/kg;</li> <li>• Polymer gel block containing 1.5 g sodium fluoroacetate/kg.</li> </ul> <p><b>Quantities equal to or greater than 0.2 kg:</b></p> <ul style="list-style-type: none"> <li>• Fishmeal pellets containing 1.0 g sodium fluoroacetate/kg;</li> <li>• Cereal-based pellets containing 0.4–0.8 g sodium fluoroacetate/kg;</li> <li>• Apple-based paste containing 0.6–0.8 g sodium fluoroacetate/kg.</li> </ul>
EM8	<p><b>Regulations 12-16, 18-20 – Level 2 emergency management documentation requirements</b></p> <p>These controls relate to the duties of suppliers and persons in charge of places of work with respect to the provision of emergency management documentation (essentially Safety Data Sheets).</p> <p>This documentation must be provided where the following formulated substances containing 1080 are sold or supplied, or held in a workplace, in <b>any quantity</b>:</p> <ul style="list-style-type: none"> <li>• Soluble concentrate containing 200 g sodium fluoroacetate/litre;</li> <li>• Cereal-based pellets containing 1.5–2.0 g sodium fluoroacetate/kg;</li> <li>• Fish paste containing 10 g sodium fluoroacetate/kg;</li> <li>• Apple-based paste containing 1.5 g sodium fluoroacetate/kg;</li> <li>• Peanut-based paste containing 1.5 g sodium fluoroacetate/kg;</li> <li>• Polymer gel containing 50 g sodium fluoroacetate/kg;</li> <li>• Polymer gel containing 100 g sodium fluoroacetate/kg;</li> <li>• Polymer gel block containing 1.5 g sodium fluoroacetate/kg.</li> </ul> <p>This documentation must be provided where the following formulated substances containing 1080 are sold or supplied, or held in a workplace, in quantities equal to or greater than <b>0.5 kg</b>:</p> <ul style="list-style-type: none"> <li>• Fishmeal pellets containing 1.0 g sodium fluoroacetate/kg;</li> <li>• Cereal-based pellets containing 0.4–0.8 g sodium fluoroacetate/kg;</li> <li>• Apple-based paste containing 0.6–0.8 g sodium fluoroacetate/kg.</li> </ul> <p>Regulations 12 and 13 describe the duties of suppliers, regulation 14 describes the duties of persons in charge of places of work, regulation 15 provides for the option of complying with documentation requirements of the transport rules when the substance is being transported, and regulation 16 specifies requirements for general contents of the documentation.</p> <p>Regulation 18 prescribes location and presentation requirements for the documentation, ie it must be available within 10 minutes, be readily understandable, comprehensible and clear. These requirements correspond with those relating to documentation required by the Identification Regulations (Control Code I21).</p>
EM11	<p><b>Regulations 25-34 – Level 3 emergency management requirements – emergency response</b></p>

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	<p><b>plans</b></p> <p>These Regulations relate to the requirement for an emergency response plan to be available at any place (excluding aircraft or ships) where formulated substances containing 1080 are held (or are reasonably likely to be held on occasion) in quantities greater than those specified below.</p> <p><b>Quantities greater than 100 litres:</b></p> <ul style="list-style-type: none"> <li>• Soluble concentrate containing 200 g sodium fluoroacetate/litre.</li> </ul> <p><b>Quantities greater than 100 kg:</b></p> <ul style="list-style-type: none"> <li>• Cereal-based pellets containing 1.5–2.0 g sodium fluoroacetate/kg;</li> <li>• Fishmeal pellets containing 1.0 g sodium fluoroacetate/kg;</li> <li>• Cereal-based pellets containing 0.4–0.8 g sodium fluoroacetate/kg;</li> <li>• Fish paste containing 10 g sodium fluoroacetate/kg;</li> <li>• Apple-based paste containing 1.5 g sodium fluoroacetate/kg;</li> <li>• Peanut-based paste containing 1.5 g sodium fluoroacetate/kg;</li> <li>• Apple-based paste containing 0.6–0.8 g sodium fluoroacetate/kg;</li> <li>• Polymer gel containing 50 g sodium fluoroacetate/kg;</li> <li>• Polymer gel containing 100 g sodium fluoroacetate/kg;</li> <li>• Polymer gel block containing 1.5 g sodium fluoroacetate/kg.</li> </ul> <p>The emergency response plan must describe all of the likely emergencies that may arise from the breach or failure of controls. The type of information that is required to be included in the plan is specified in Regulations 29 to 30. Requirements relating to the availability of equipment, materials and people are provided in Regulation 31, requirements regarding the availability of the plan are provided in Regulation 32 and requirements for testing the plan are described in Regulation 33.</p>
EM12	<p><b>Regulations 35-41 – Level 3 emergency management requirements – secondary containment – deleted (in part)</b></p> <p>These regulations relate to the requirement for a secondary containment system to be installed at any fixed location where the following formulated substance containing 1080 is held in quantities equal to or greater than <b>100 litres</b>:</p> <ul style="list-style-type: none"> <li>• Soluble concentrate containing 200 g sodium fluoroacetate/litre.</li> </ul> <p>Regulation 36 prescribes requirements for secondary containment systems for pooling substances. Regulation 37 prescribes requirements for places where hazardous substances are held above ground in containers each holding up to 60 litres or less. Regulation 38 prescribes requirements for places where hazardous substances are held above ground in containers each holding between 60 litres and 450 litres. Regulation 39 prescribes requirements for places where hazardous substances are held above ground in containers each holding more than 450 litres. Regulation 40 prescribes requirements for places where hazardous substances are held underground. Regulation 41 prescribes requirements for secondary containment systems that contain substances of specific hazard classifications, e.g. there is a requirement to prevent substances from coming into contact with incompatible materials, and a requirement to exclude energy sources when class 1, 2, 3, 4 or 5 substances are contained.</p>
<p>These regulations are deleted under section 77(4)(a) for the other formulated substances containing 1080 as they are used in solid form. Having regard to the requirements of section 77(4)(a), the Committee considers that because they are solids, the adverse effects of the other formulated substances containing 1080 will thus be less than the adverse effects of other (liquid) substances with the same hazard classifications. Therefore the control is deleted for all formulated substances containing 1080 except for <i>soluble concentrate containing 200 g sodium fluoroacetate/litre</i> where it is held in quantities equal to or greater than 100 litres.</p>	
EM13	<p><b>Regulation 42 – Level 3 emergency management requirements – signage</b></p> <p>This control relates to the provision of emergency management information on signage at places where formulated substances containing 1080 are held at the quantities detailed below:</p> <p><b>Quantities equal to or greater than 50 litres:</b></p> <ul style="list-style-type: none"> <li>• Soluble concentrate containing 200 g sodium fluoroacetate/litre.</li> </ul> <p><b>Quantities equal to or greater than 50 kg:</b></p> <ul style="list-style-type: none"> <li>• Polymer gel containing 50 g sodium fluoroacetate/kg;</li> <li>• Polymer gel containing 100 g sodium fluoroacetate/kg.</li> </ul> <hr/> <p><b>Quantities equal to or greater than 250 kg:</b></p> <ul style="list-style-type: none"> <li>• Cereal-based pellets containing 1.5–2.0 g sodium fluoroacetate/kg;</li> <li>• Fish paste containing 10 g sodium fluoroacetate/kg;</li> </ul>

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	<ul style="list-style-type: none"> <li>• Apple-based paste containing 1.5 g sodium fluoroacetate/kg;</li> <li>• Peanut-based paste containing 1.5 g sodium fluoroacetate/kg;</li> <li>• Polymer gel block containing 1.5 g sodium fluoroacetate/kg.</li> </ul> <p><b>Quantities equal to or greater than 1000 kg:</b></p> <ul style="list-style-type: none"> <li>• Fishmeal pellets containing 1.0 g sodium fluoroacetate/kg;</li> <li>• Cereal-based pellets containing 0.4–0.8 g sodium fluoroacetate/kg;</li> <li>• Apple-based paste containing 0.6–0.8 g sodium fluoroacetate/kg.</li> </ul> <p>The signage must advise of the action to be taken in an emergency and must meet the requirements for comprehensibility and clarity as defined in Regulations 34 and 35 of the Identification Regulations.</p>
<b>Hazardous Substances (Personnel Qualification) Regulations 2001</b>	
AH1	<p><b>Regulations 4-6 – Approved Handler requirements</b></p> <p>Formulated substances containing 1080 are required to be under the control of an approved handler during specified parts of the lifecycle. An approved handler is a person who holds a current test certificate certifying that they have met the competency requirements specified by the Personnel Qualification Regulations in relation to handling specific hazardous substances.</p> <p>Regulation 4 describes the test certification requirements, Regulation 5 describes the qualification (competency and skill) requirements and regulation 6 describes situations where transitional qualifications for approved handlers apply.</p> <p>Also see Control Codes T6 and E7.</p>
<b>Hazardous Substances (Tracking) Regulations 2001</b>	
TR1	<p><b>Regulations 4(1), 5, 6 – General tracking requirements</b></p> <p>Under regulation 4(1), formulated substances containing 1080 are subject to tracking requirements, ie the location and movement of the substance must be recorded at each stage of its lifecycle until its final disposal. The hazard classifications of the substances requiring tracking are listed in Schedule 1 of the Tracking Regulations.</p> <p>The person in charge of the place where the tracked substance is kept is responsible for ensuring that the necessary information is included in the record. This information to be provided is specified in Schedule 2 of the Tracking Regulations, and includes information on the identification of the approved handler, and on the identification, quantity, location and disposal of the substance. The record must meet the location and presentation requirements specified in Part 2 of the Identification Regulations, ie it must be accessible within <b>10 minutes</b> and meet the performance standards for comprehensibility and clarity (Regulation 5(1) and (2)).</p> <p>If a tracked substance is transferred to another place, the person in charge must ensure that the record is retained for a period of 12 months. If the substance has undergone treatment that results in it no longer being a tracked substance, or if it has been intentionally or unintentionally disposed of, the record must be kept for 3 years. However these requirements do not apply to places that are vehicles (Regulations 5(3) and (4)).</p> <p>Regulation 6 prescribes requirements relating to the transfer of tracked substances from one place to another. Specifically, the person in charge may only transfer the tracked substance to another place if they have received confirmation that:</p> <ul style="list-style-type: none"> <li>• an approved handler is present at the place receiving the substance;</li> <li>• the place receiving the substance meets any location test certification requirements;</li> <li>• any place where the substance is to be held during transit complies with the relevant requirements of the Hazardous Substances (Emergency Management) Regulations and Hazardous Substances (Classes 1 to 5 Controls) Regulations.</li> </ul>
<p>The following provisions of Schedule 2 to the Hazardous Substances (Tracking) Regulations 2001 are varied under section 77(3) (a) so as to add to clauses 2 (substance information), 5 (details of transfer to another place), and 6 (disposal of tracked substance), the requirement to record the unique identifier for the container that contains the relevant formulated substance containing 1080:</p> <p><b>Schedule 2, Clause 2 – Substance Information</b></p> <p>Clause 2A is inserted after clause 2:</p> <p>2A The unique identifier for the container that contains the tracked substance.</p> <p><b>Schedule 2, Clause 5 – Details of transfer to another place</b></p>	



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	<p>Subclause (aa) is inserted after subclause (a):</p> <p>(aa) the unique identifier for the container that contains the substance; and</p> <p><b>Schedule 2, Clause 6 – Disposal of tracked substance</b></p> <p>Subclause (e) is inserted after subclause (d):</p> <p>(e) the unique identifier for the container that contained the substance.</p> <p>The Committee is satisfied that these variations are necessary under section 77(3)(a) having regard to the adverse effects associated with the substances, in order to ensure the effectiveness of Additional Control 2 (below) (which requires packaging to be marked with a unique identifier to facilitate ‘traceback’ of individual packages in the event of an incident).</p>
<b>Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004</b>	
Regulations 4 to 43 where applicable	<p>The Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004 prescribe a number of controls relating to tank wagons and transportable containers which must be complied with as relevant.</p> <p>This control applies only to the following formulated substance containing 1080:</p> <ul style="list-style-type: none"> <li>Soluble concentrate containing 200 g sodium fluoroacetate/litre.</li> </ul>
<b>Schedule 8 to the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004 – stationary container systems</b>	
	<p>The controls relating to stationary container systems, as set out in Schedule 8 to the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004 (Supplement to the <i>New Zealand Gazette</i>, 26 March 2004, No. 35, page 767), as amended, shall apply to the following formulated substance containing 1080, notwithstanding clause 1(1) of that Schedule:</p> <ul style="list-style-type: none"> <li>Soluble concentrate containing 200 g sodium fluoroacetate/litre.</li> </ul>
<p>The above controls relating to tank wagons, transportable containers and stationary container systems are varied under section 77(3) and (4) in order to ensure that they apply, as appropriate, to the only relevant (ie liquid) formulated substance containing 1080 namely <i>soluble concentrate containing 200 g sodium fluoroacetate/litre</i>. The variations are necessary to ensure that the risks associated with transporting or storing large quantities of the substance are properly managed.</p>	
<b>Additional Controls on formulated substances containing 1080 imposed under section 77A</b>	
<b>Additional Control 2</b>	<p><b>Packaging of substances for sale for vertebrate pest control</b></p> <ol style="list-style-type: none"> <li>No person may pack any formulated substance containing 1080 for sale for vertebrate pest control unless the package is marked with a unique identifier.</li> <li>The unique identifier marked on the package must comply with regulations 35 and 36 of the Hazardous Substance (Identification) Regulations 2001.</li> <li>For the purposes of regulation 35(3)(c) of those regulations, the unique identifier is a secondary identifier.</li> <li>In this control, <b>package</b> means the smallest package in which the relevant substance is sold.</li> </ol>
	<p>This control is added to all formulated substances containing 1080 to facilitate the ‘trace-back’ of individual packages in the event of an incident involving controlled vertebrate poisons. The control complements the requirement to keep records of the unique identifier (Control Code TR1 – Tracking requirements). This control is justifiable given the widespread use of vertebrate poisons, the large number of people potentially involved in their application and the number of occasions that have required this ‘trace-back’ mechanism to be used by regulatory agencies in the past. The Committee is therefore satisfied that the suite of controls imposed under this approval will be more effective in terms of their effect on the management, use and risks of the formulated substances containing 1080 as a result of adding this control.</p>
<b>Additional Control 3</b>	<p><b>Restrictions on supply and acquisition of substances</b></p> <ol style="list-style-type: none"> <li>This clause applies to formulated substances containing 1080.</li> <li>No person may sell or otherwise supply formulated substances containing 1080 to any person unless the seller (or supplier) holds a licence in accordance with <b>Additional Control 5</b>.</li> <li>No person may purchase or otherwise acquire formulated substances containing 1080 unless they hold a licence in accordance with <b>Additional Control 5</b>.</li> </ol>
	<p>This control is added in accordance with section 77A(2)(b). A controlled substances licence is required from both the Agricultural Compounds and Veterinary Medicines (ACVM) Group of NZFSA and ERMA New Zealand for all formulated substances containing 1080 (see <b>Additional Control 5</b> below). The intention of the licence requirement is to ensure that a person is a ‘fit and proper’ person and has knowledge of the relevant legislation relating to the safe use of the substance (ie has an approved handler test certificate). Controlled vertebrate poisons such as formulated substances containing 1080,</p>

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	fall into the group of substances where it is considered appropriate that access be restricted to responsible individuals. For this reason, the Committee is satisfied that this additional control, together with Additional Control 5 is more effective in terms of its effect on the management, use and risks than other controls and thus may be added under section 77A.
<b>Additional Control 4</b>	<p><b>Permissions required for application or use of substances</b></p> <p>(1) No person may <b>apply</b> or otherwise use any formulated substance containing 1080 on land administered or managed by the Department of Conservation unless the person first obtains a permission under section 95A of the Act from the Authority.</p> <p>(2) No person may <b>apply</b> or otherwise use any formulated substance containing 1080 in a catchment area from which water is drawn for human consumption or in any other area where a risk to public health may be created if the substance is applied or used unless the person first obtains a permission under section 95A of the Act from the Authority.</p> <p>The requirement to obtain a permission prior to the application of formulated substances containing 1080 ensures that the risks associated with any general or particular use of the substance can be appropriately addressed and any additional controls required to manage the risks are imposed (by way of conditions imposed on the permissions under section 95A). For example, an application for a permission allows the risks arising due to the intended location of the operation to be considered by those with appropriate local knowledge of the intended application site.</p> <p>Currently, the Authority has delegated the power to issue permissions under section 95A to DoC and the Ministry of Health. DoC is delegated the power to issue permissions when formulated substances containing 1080 are to be applied or otherwise used on land managed by DoC.</p> <p>The Ministry of Health is delegated the power to issue permissions when formulated substances containing 1080 are to be applied or otherwise used in a catchment area from which water is drawn for human consumption or in any other area where a risk to public health may be created if the substance is used or applied.</p> <p>In situations where formulated substances containing 1080 are to be applied or otherwise used on land managed by DoC that is a catchment area from which water is drawn for human consumption or is in any other area where a risk to public health may be created if the substance is used or applied, a permission is required from both DoC and the Ministry of Health.</p> <p>The Committee is satisfied that it is appropriate to add this control under section 77A(2)(a), as it will be more effective in terms of its effect on the management, use and risks of the substances than other controls that apply under this approval. In particular, proper and effective use of the permissions regime is seen by the Committee as an essential tool in ensuring best practice in respect of key aspects of aerial application of formulated substances containing 1080 such as consultation and notification.</p> <p>One matter in particular which the Committee wishes to see addressed as part of a review of the permissions delegations is the implementation of best practice consultation with iwi/Māori whose land or other interests might be affected by the use of 1080, particularly when applied aerially. The Committee wishes to provide for better engagement with iwi/Māori and improved outcomes in terms of the management of taonga species and resources, and will be looking for this to be ensured as far as possible when permissions are granted for the aerial use of 1080. Many iwi/Māori submitters were concerned that “consultation” appeared to be given variable meanings, from notifying and informing at one end of the spectrum to acting/deciding together at the other end. The Committee notes the interpretation of “consultation” in ERMA New Zealand guidance,<sup>1</sup> namely that the overall aim of good consultation is to provide easily understood information about the proposal; obtain the necessary information and understanding of Māori perspectives and views as they relate to specific issues associated with the proposal and discuss, where issues are raised by Māori, ways of minimising, mitigating or remedying any potential adverse effects and enhancing any potential benefits. The Committee expects that those seeking permission from DoC or the Ministry of Health for aerial application of 1080 will be required to demonstrate consultation with Māori to at least this standard.</p>
<b>Additional Control 5</b>	<p><b>Licence required for possession of substances</b></p> <p>(1) No person may possess any formulated substance containing 1080 unless the person has a licence under section 95B of the Act from the Authority that is obtained before the person takes possession of the substance.</p> <p>(2) Despite subclause (1), a person who does not have a licence may possess a formulated substance containing 1080 if—</p> <p>(a) the person is under the immediate supervision of a person who has a licence in accordance with this clause; or</p> <p>(b) the person is deemed to comply with Regulation 9 of the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001 by regulation 9A of those regulations.</p>
	This control is added in accordance with section 77A(2)(b). In addition to holding an approved handler certificate, no person may possess formulated substances containing 1080 unless they have a licence (controlled substance licence)

<sup>1</sup> User Guide *Working with Māori under the HSNO Act 1996: A Guide for Applicants* (ER-UG-01-4 04/05).

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	<p>granted under section 95B of the Act that is obtained from the Authority before the person takes possession of the substance. Exceptions to this requirement are if the person is under the immediate supervision (meaning within eye and ear shot at all times) of a person who has a licence or if regulation 9 of the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001 is deemed complied with in certain transport situations through the provisions of regulation 9A (Control Code T6 and E7, above).</p> <p>The main purpose of the licensing requirement is to add a 'fit and proper person' consideration to an approved handler qualification. This requirement is generally restricted to those substances which could be used for illegal purposes and which could present significant security concerns.</p> <p>Formulated substances containing 1080 fall into the group of substances for which it is considered appropriate to require a controlled substance licence and the Committee is satisfied that this additional control is more effective in terms of its effect on the management, use and risks of formulated substances containing 1080 than other controls that apply under this approval.</p> <p>Controlled substances licences are issued by test certifiers under delegation from the Authority through a process which covers both the HSNO Act and ACVM Group requirements.</p> <p>Additionally, the ACVM Group requires that, as part of the approval under the ACVM Act, certain vertebrate toxic agents may only be sold to and used by persons holding controlled substances licences (see <b>Additional Control 3</b>).</p>
<b>Additional Control 6</b>	<p><b>Restriction on aerial application of certain substances</b></p> <p>(1) No person may <b>apply</b>, or engage another person to <b>apply</b>, a formulated substance containing 1080 by <b>aerial application</b> unless—</p> <ol style="list-style-type: none"> <li><b>aerial application</b> is a permitted method of release for that substance in accordance with regulation 51 of the Hazardous Substances (Classes 6, 8 and 9 Controls) Regulations 2001 (Control Code E4 above); and</li> <li>if required, the person has a permission or permissions (as the case may be) granted in accordance with <b>Additional Control 4</b>; and</li> <li>a copy of each permission is supplied to the pilot of the <b>aircraft</b>; and</li> <li>the person has given public notice in a newspaper available in the areas in which the substance will be applied of the proposed <b>aerial application</b> in accordance with subclause (2); and</li> <li>the substance is applied no more than 2 months after the date of the public notice referred to in paragraph (d); and</li> <li>if the person is not the owner or occupier of the area over which the substance will be applied, the person has given notice of the proposed <b>aerial application</b> to the officer in charge of the police station that is nearest to the <b>application</b> area.</li> </ol> <p>(2) The public notice referred to in subclause (1)(d) must—</p> <ol style="list-style-type: none"> <li>be given with sufficient prior notification, but no more than 2 months, before the proposed <b>aerial application</b>; and</li> <li>specify the following: <ol style="list-style-type: none"> <li>the approximate date on which the substance will be applied;</li> <li>the name and nature of the substance;</li> <li>a description of the area over which the substance will be applied, including— <ol style="list-style-type: none"> <li>the boundaries of the area; and</li> <li>districts, roads, and other commonly known features that may identify the place;</li> </ol> </li> <li>the location or locations where members of the public may view maps of the area over which the substance will be applied, and the times when such maps may be viewed;</li> <li>the name and address of the person responsible for the <b>application</b> of the substance.</li> </ol> </li> </ol>
	<p>This control applies only to the following formulated substances containing 1080 that are approved for aerial application, namely:</p> <ul style="list-style-type: none"> <li>Cereal-based pellets containing 0.4 – 0.8 g sodium fluoroacetate/kg;</li> <li>Cereal-based pellets containing 1.5 – 2.0 g sodium fluoroacetate/kg;</li> <li>Soluble concentrate containing 200 g sodium fluoroacetate/litre.</li> </ul> <p>This control is added under section 77A as it is more effective in terms of its effect on the management, use and risks of aerial application of formulated substances containing 1080 than other controls under this approval. Specifically, the control ensures that potentially affected persons are notified of the approximate time and place of a proposed aerial application in their area and enables them to obtain further information if they require. In this way, the control aids more effective communication of risks relating to aerial applications to local communities and other potentially affected groups/persons.</p>

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<b>Additional Control 7</b>	<p data-bbox="383 324 965 347"><b>Requirements for aircraft carrying out aerial application</b></p> <ol style="list-style-type: none"> <li data-bbox="383 358 1372 548">(1) An <b>aircraft</b> that is carrying out an <b>aerial application</b> must not, when flying to or from the area where a formulated substance containing 1080 is applied, fly over a— <ol style="list-style-type: none"> <li data-bbox="430 414 1372 459">(a) place specified (if any) in a permission granted in relation to the substance in accordance with <b>Additional Control 4</b> as being a place over which such an <b>aircraft</b> must not fly; or</li> <li data-bbox="430 459 805 492">(b) <b>public drinking water supply</b>; or</li> <li data-bbox="430 492 1372 548">(c) waterway that is less than 100 metres upstream of a point of extraction from a water source for a drinking water supply (not being a water supply exclusively for stock).</li> </ol> </li> <li data-bbox="383 560 1372 604">(2) Every <b>aircraft</b> that is carrying out an <b>aerial application</b> must use a navigational guidance system to ensure that the substance is applied within the application area.</li> <li data-bbox="383 616 1372 728">(3) Every <b>aircraft</b> that has carried out an <b>aerial application</b>, and all equipment used in connection with the <b>aerial application</b>, must be decontaminated before the <b>aircraft</b> or equipment is— <ol style="list-style-type: none"> <li data-bbox="430 672 758 705">(a) used for another purpose; or</li> <li data-bbox="430 705 1268 728">(b) removed from a place from which the <b>application</b> operation has been carried out.</li> </ol> </li> <li data-bbox="383 739 1372 929">(4) When an <b>aerial application</b> being carried out on a day has ceased for that day, the loading area, and any area where the substance is stored in preparation for loading the substance on to or into the <b>aircraft</b>, must be— <ol style="list-style-type: none"> <li data-bbox="430 817 662 851">(a) decontaminated; or</li> <li data-bbox="430 851 981 929">(b) fenced so that— <ol style="list-style-type: none"> <li data-bbox="478 884 981 907">(i) people do not inadvertently enter the area; and</li> <li data-bbox="478 907 885 929">(ii) stock cannot gain access to the area.</li> </ol> </li> </ol> </li> <li data-bbox="383 940 1372 996">(5) An area that is fenced in accordance with subclause (4)(b) must have signs erected at the perimeter of the fence in accordance with subclause (6).</li> <li data-bbox="383 1008 1372 1411">(6) The signs referred to in subclause (5) must— <ol style="list-style-type: none"> <li data-bbox="430 1041 1372 1086">(a) state that people and stock should stay out of the area until the signs, and any fence around the area, have been removed; and</li> <li data-bbox="430 1086 1372 1142">(b) identify the person responsible for the place, and provide sufficient information to enable the person to be contacted during normal business hours; and</li> <li data-bbox="430 1142 1372 1198">(c) identify the substance and state that it is toxic to human beings and ecotoxic to other vertebrates; and</li> <li data-bbox="430 1198 1372 1254">(d) comply with regulations 34 and 35 of the Hazardous Substances (Identification) Regulations 2001, except that regulation 35 applies as follows: <ol style="list-style-type: none"> <li data-bbox="430 1254 1372 1332">(i) in relation to the information required to be included on the signs by paragraphs (a) and (b), as if the distances referred to in regulation 35(3)(c) of those regulations were a distance of not less than 2 metres; and</li> <li data-bbox="430 1332 1372 1411">(ii) in relation to the information required to be included on the signs by paragraph (c), as if the distances referred to in regulation 35(3)(c) of those regulations were a distance of not less than 10 metres.</li> </ol> </li> </ol> </li> <li data-bbox="383 1422 1372 1467">(7) The signs and the fence required by this clause must remain in place until the place is decontaminated.</li> </ol>

This control specifies requirements for aircraft used to apply formulated substances containing 1080 that are approved for aerial application, namely:

- Cereal-based pellets containing 0.4–0.8 g sodium fluoroacetate/kg;
- Cereal-based pellets containing 1.5–2.0 g sodium fluoroacetate/kg;
- Soluble concentrate containing 200 g sodium fluoroacetate/litre.

Specifically, the controls:

- prohibit flying over public drinking water supplies and other protected waterways or areas;
- require aircraft to have suitable navigational guidance systems in order to ensure accuracy of application. Normally, this will be achieved by use of a differential global positioning system;
- decontamination of aircraft and ground loading or storage areas (with fencing/signing option if decontamination of ground areas is not possible).

The Committee is satisfied that all these requirements are appropriately added as controls under section 77A on the basis that they are more effective in terms of its effect on the management, use and risks of aerial application of formulated substances containing 1080 than other controls under this approval. Combined, they will ensure greater accuracy of application, and will help to limit the likelihood of traces of the substances coming into contact with aircraft/airport personnel or members of the public in places of public access.

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<b>Additional Control 8</b>	<p data-bbox="383 324 758 347"><b>Misapplied, lost or spilt substances</b></p> <p data-bbox="383 358 1364 459">If a formulated substance containing 1080 is applied other than in the intended application area, or is lost or spilt, the person who is in possession of the substance at the time that it was misapplied, lost, or spilt must report the nature and quantity of the substance within 24 hours of the substance being misapplied, lost, or spilt to—</p> <ol data-bbox="430 470 1364 739" style="list-style-type: none"> <li>(a) if a permission was granted in accordance with <b>Additional Control 4</b> to <b>apply</b> or otherwise use the substance, the person who granted the permission; and</li> <li>(b) the officer in charge of the nearest police station to which the person has access; and</li> <li>(c) the nearest Medical Officer of Health or the Medical Officer of Health in whose region the substance was misapplied, lost, or spilt; and</li> <li>(d) each owner or occupier of land on which the substance may have been misapplied, lost, or spilt;</li> <li>(e) the person on whose behalf the substance is being applied;</li> <li>(f) the Regional Council or councils in whose area the substance is being applied; and</li> <li>(g) the Authority.</li> </ol>
<p data-bbox="199 761 1364 1008">This control is added under section 77A. While incidents involving hazardous substances are required under the Act to be reported to HSNO enforcement agencies, this control specifically clarifies who is responsible for reporting misapplications, losses or spillages arising from the use of formulated substances containing 1080. Notification must be to the listed agencies and owners and occupiers as well as to the Authority. The Committee is satisfied that this control is more effective in terms of its effect on the management, use and risks of formulated substances containing 1080 than other controls under this approval as it enables the appropriate agencies and the Authority to monitor and be notified of any misuse or poor practices relating to the use of these substances. This will also ensure that the appropriate action is taken to address the issue and manage any adverse effects that may arise. The obligation to report such incidents to the Authority complements Additional Control 12 (provision of information to the Authority) relating to reporting on aerial application of formulated substances containing 1080.</p>	
<b>Additional Control 9</b>	<p data-bbox="383 1019 1101 1041"><b>Unauthorised persons to stay clear of application area of substances</b></p> <ol data-bbox="383 1052 1364 1198" style="list-style-type: none"> <li>(1) A person who is not lawfully assisting in the <b>application</b> or use of formulated substances containing 1080 must not remain in the vicinity of the <b>application</b> or use of the substance (as the case may be).</li> <li>(2) An enforcement officer may order a person who contravenes subclause (1) to immediately leave the area in which the substance is being applied or used.</li> </ol>
<p data-bbox="199 1209 1364 1288">This control is added under section 77A. The intent of this control is to ensure that people whose personal safety is at risk, or who are interfering with an operation, or who are likely to be directly in the flight path of an aerial operation can be asked to leave the operational area.</p> <p data-bbox="199 1299 1364 1355">For the purposes of this control, <b>vicinity</b> is taken to mean an area within which someone may be directly affected by, or having a direct effect on, the operation.</p> <p data-bbox="199 1366 1364 1467">The Committee is satisfied that this control is more effective in terms of its effect on the management, use and risks of formulated substances containing 1080 than other controls under this approval as it helps to ensure an appropriate level of personal safety for those who may be at risk from an operation whether voluntarily or not. In the case of the former, an enforcement officer may take appropriate action to order someone to leave the area.</p>	
<b>Additional Control 10</b>	<p data-bbox="383 1478 790 1500"><b>Notification of changes of composition</b></p> <p data-bbox="383 1512 1364 1590">Any changes to the composition or proposed use of formulated substances containing 1080 must be notified to the Authority in writing before it is used such notification to include the following information, as applicable:</p> <ul data-bbox="494 1601 1364 1944" style="list-style-type: none"> <li>• the name of substance;</li> <li>• details of the original formulation;</li> <li>• details of the revised formulation clearly identifying the changed ingredients, their function in the bait, and their concentration and CAS number if appropriate;</li> <li>• the physical form, if different from the original;</li> <li>• bait colour;</li> <li>• changes in bait size;</li> <li>• the intended use(s) of the substance (to include target species, method(s) of release);</li> <li>• the physical properties of the substance (for example, flashpoint, pH) if different from the original;</li> <li>• the impurity profile and source of the 'active' ingredient, if different from the original;</li> </ul>

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	<ul style="list-style-type: none"> <li>• any information on the effect that the formulation change may have on the risk profile of the substance, including the results of any palatability trials undertaken on both target and non-target species.</li> </ul>
	<p>This control is added under section 77A as the Committee is satisfied it is more effective in terms of its effect on the management, use and risks of formulated substances containing 1080 than other controls under this approval. Changes in formulations and other matters such as bait size may alter the risk to non-target species, even though there are no changes to the hazard classifications. In order to ensure that there is as much information available as possible on the impact on and risks to non-target species, changes to formulations of existing substances must be notified to the Authority so that any changes to the risk profile of substances can be tracked and managed. Depending on the nature and extent of the changes, it may be necessary for this approval to be amended (or a new approval obtained) before the substance may lawfully be used.</p>
<p><b>Additional Control 11</b></p>	<p><b>Notification of aerial or ground-based operations</b></p> <ol style="list-style-type: none"> <li>(1) No person may <b>apply</b>, or engage another person to <b>apply</b>, a formulated substance containing 1080 by <b>aerial application or ground-based application</b> unless the person has given notice of the proposed <b>application</b> to occupiers and, as far as practicable owners, of land, dwellings or buildings immediately abutting the application area.</li> <li>(2) The notice referred to in subclause (1) must—             <ol style="list-style-type: none"> <li>(a) be given with sufficient prior notification, but no more than 2 months, before the proposed <b>application</b> and, if requested by the person notified, shall be repeated at a mutually agreed time before the proposed <b>application</b>; and</li> <li>(b) specify the following:                 <ol style="list-style-type: none"> <li>(i) the approximate date on which the substance will be applied;</li> <li>(ii) the name and nature of the substance;</li> <li>(iii) a description of the area over which the substance will be applied, including—                     <ol style="list-style-type: none"> <li>(A) the boundaries of the area; and</li> <li>(B) districts, roads, and other commonly known features that may identify the place;</li> </ol> </li> <li>(iv) the name and address of the person responsible for the <b>application</b> of the substance.</li> </ol> </li> <li>(3) This control shall come into force on 1 January 2008.</li> </ol> </li></ol>
	<p>The Committee considers that landowners and occupiers immediately abutting the site of a proposed aerial or ground-based application should be advised with sufficient prior notification (but no more than two months) before the proposed application. The notification should include similar matters to those required for public notice of aerial applications (see <b>Additional Control 6</b> above). Further, if a notified person so wishes, they may require the operator to repeat the notice at a mutually agreed time before the proposed operation.</p> <p>The Committee is satisfied that this control should be added under section 77A as it is more effective in terms of its effect on the management, use and risks of aerial or ground-based application of formulated substances containing 1080 than other controls under this approval. Specifically, the control ensures that potentially affected persons are notified of the approximate time and place of a proposed application in their area and enables them to obtain further information if they require. In this way, the control aids more effective communication of risks relating to the use of formulated substances containing 1080 to local communities and other potentially affected groups/persons.</p>
<p><b>Additional Control 12</b></p>	<p><b>Aerial application – provision of information to the Authority</b></p> <ol style="list-style-type: none"> <li>(1) Any person who applies, or engages another person to <b>apply</b>, a formulated substance containing 1080 by <b>aerial application</b> (“the operation”) must, as soon as reasonably practicable, but no later than six months, after the operation, provide a written report to the Authority, such report to include the following information—             <ol style="list-style-type: none"> <li>(a) the reasons for the operation, including information on pre-operation notification and the methods and outcomes of any pre-operation consultation;</li> <li>(b) details of the operation, including date(s), location and application rate;</li> <li>(c) a map of the operational area showing relevant waterbodies, any <b>public drinking-water supply</b>, nearby farmland, human habitations and recreational huts and tracks;</li> <li>(d) a measure of possum or other relevant pest numbers before and after the operation (if available);</li> <li>(e) reports on any incidents (for example, accidental releases or overflights) or complaints in relation to the operation, including details of relevant parties, locations, actions, impacts (if available);</li> <li>(f) details and results of pre- and post-operational monitoring of birds and invertebrates (if available);</li> <li>(g) details and results of post-operational monitoring of water quality (if available);</li> </ol> </li> </ol>

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	<p>(h) details and results of pre- and post-operational monitoring of key species of relevance to Māori (food, rongoa species) (if available); and</p> <p>(i) an overall assessment of the outcome of the operation.</p>
	<p>(2) This control shall come into force on 1 January 2008.</p>
	<p>This control applies to the following formulated substances containing 1080 that are approved for aerial application, namely:</p> <p>Cereal-based pellets containing 0.4 – 0.8 g sodium fluoroacetate/kg;</p> <p>Cereal-based pellets containing 1.5 – 2.0 g sodium fluoroacetate/kg;</p> <p>Soluble concentrate containing 200 g sodium fluoroacetate/litre.</p> <p>The Committee is satisfied that this control should be added under section 77A as it is more effective in terms of its effect on the management, use and risks of aerial application of formulated substances containing 1080 than other controls under this approval. In many cases, the production of post-operation reports of this type is increasingly becoming standard industry practice. Specifically, the control is in response to the concerns expressed by many submitters in relation to aerial (as opposed to ground) applications and will provide a central repository for information on aerial operations. It also supports the Committee's desire to ensure best practice and a more consistent approach nationwide, in the planning, carrying out and reporting of aerial operations. In particular, reports must contain information on key areas on 'risk communication' in relation to aerial applications, namely pre-operation notification and consultation as well as any incidents or complaints received in respect of an operation. The Committee intends that the information contained in the reports provided under this control will be made publicly available.</p>

